

Volume 33, Number 22  
Pages 2077-2298  
November 17, 2008

SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



ROBIN CARNAHAN  
SECRETARY OF STATE

# MISSOURI REGISTER

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The *Missouri Register* is published semi-monthly by

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

**MISSOURI REGISTER**

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

## Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 10—Liquefied Petroleum Gases

### EMERGENCY AMENDMENT

**2 CSR 90-10.011 Inspection Authority—Duties.** The commission is amending sections (1), (2), (3), and (8).

**PURPOSE:** *This amendment changes the inspection authority of liquefied petroleum gas safety, clarifies the officer charged with duties related to meter inspections, and changes the type of testing required.*

**EMERGENCY STATEMENT:** *This emergency amendment is necessary to comply with the requirements of section 323.025, RSMo Supp. 2007, which created the Missouri Propane Gas Commission to ensure the administration and enforcement of Chapter 323, Liquefied Petroleum Gases, and all rules and regulations and orders promulgated thereunder. This emergency amendment transfers authority from the director of the Missouri Department of Agriculture to the director of the Missouri Propane Gas Commission, enabling the commission to perform its most critical responsibility—the inspection of safety in the storage, handling, transportation, and use of liquefied petroleum gases. Since the time the Missouri Department of Agriculture lost its funding and ability to inspect and enforce standards, propane safety inspections have not been conducted, and are not currently being conducted, by any regulatory entity. It is imperative that this rule be amended as quickly as possible to give the*

*Missouri Propane Gas Commission the authority to perform safety inspections. Inspections are necessary to discover and correct unsafe practices, equipment, containers, systems, and facilities. Under unsafe conditions, liquefied petroleum gas is extremely volatile and has been responsible for numerous accidents, many of which were catastrophic and fatal. Also, without safety inspections, the number of accidents is more likely to increase over time due to potential deterioration of equipment, containers, and systems, and lax practices of liquefied petroleum gas operations. Following the change in statute, the Missouri Department of Agriculture was unable to submit a proposed rule until members of the newly-created commission were appointed and approved by the governor with the advice and consent of the senate. The commission is comprised of members who represent various entities related to or interested in the propane industry, including multi-state and other retail marketers, wholesalers, or resellers, the Mechanical Contractors Association, the Plumbing Industry Council, an affiliated industry, Department of Agriculture, Department of Natural Resources, and the public. There was a delay in the appointment process due to a standstill by the senate. The appointment process was completed on March 20, 2008. Section 323.025, RSMo, states that any action taken by the commission may be authorized by resolution approved by a majority but not less than four (4) of the commissioners. The board's first meeting was on February 27, 2008. The proposed amendment was discussed at the April 23, 2008, board meeting, which was open to the public. Commissioners and other interested individuals were present and contributed to the discussion of the proposed amendment. Since that time, the commission sought and hired a director who was to coordinate this rulemaking. The director began employment on August 4, 2008. The amendment continued to be discussed and refined and was finalized on October 9, 2008. The Missouri Department of Agriculture believes this emergency amendment is necessary to protect the health, welfare, and safety of the public as it pertains to the storing, handling, and transportation of liquefied petroleum gases. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The Missouri Department of Agriculture believes this emergency amendment is fair to all interested persons and parties under the circumstances. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. This emergency amendment was filed on October 15, 2008, effective October 25, 2008, and expires April 22, 2009.*

**PUBLISHER'S NOTE:** *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The director [of agriculture] is the officer in charge of [the collection of meter inspection fees, liquefied petroleum gas (LPG) meter inspection and] the safety in the storage, handling, transportation, and use of liquefied petroleum gas [in the Department of Agriculture] of the Missouri Propane Gas Commission referred to as the inspection authority.

(A) The director of the Missouri Department of Agriculture is the officer in charge of the collection of meter inspection fees and liquefied petroleum gas (LPG) meter inspections.

(2) The inspection authority shall have discretionary authority to require annual [pressure] leak testing of all LPG piping systems serving schools, churches, nursing homes, resorts, mobile home

parks, public housing, hospitals, amusement parks, summer camps (Boy Scout, Girl Scout, church, etc.), and other public buildings and institutions. It shall be the responsibility of the owner, administrator, superintendent, director, or other responsible person directly associated with any of the piping systems serving any of the listed public buildings, mobile home parks, summer camps (Boy Scout, Girl Scout, church, etc.), amusement parks, and institutions to assume full responsibility to secure the annual *[pressure]* leak test of the LPG system on or before September 1 of each calendar year with the exception of summer camps and amusement parks which shall be completed on or before June 1 of each calendar year. A copy of the test report shall be submitted to the inspection authority within five (5) days after completion of the test. Failure to complete the required annual *[pressure]* leak tests may be due cause to consider the LPG system unsafe for continued use and shall be reason to place the system out-of-service until the time a *[pressure]* leak test is completed and the system found to be free of leaks and safe for continued operation.

(3) The standards for storage and handling of LPGs and the standards for the installation of gas appliances and gas piping as published in the National Fire Protection Association publications, Numbers 54, 1999 edition; 58, 2001 edition; 59, 1984 edition; 501A, 1982 edition; and 501C, 1987 edition. All publications are published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, which are incorporated by reference, and will be adhered to by the inspection authority in the course of administering its duties. **This rule does not incorporate any subsequent amendments or additions to the referenced material.** These are adopted as rules in 2 CSR 90-10.020, 2 CSR 90-10.040, 2 CSR 90-10.060, and 2 CSR 90-10.090.

(8) If the director *[of the Department of Agriculture]* determines that any LPG container constitutes an immediate danger to the public or property, s/he shall require the immediate removal of liquid and vapor LPG from the container by a registered LPG dealer or company. If the director determines that any LPG appliance, equipment, or system constitutes an immediate danger to the public and property, s/he shall require the immediate disconnection by a registered LPG dealer or company from the LPG container.

**AUTHORITY:** section 323.020, RSMo [1986] Supp. 2007. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed April 3, 1990, effective June 28, 1990. Emergency amendment filed Oct. 15, 2008, effective Oct. 25, 2008, expires April 22, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

## Title 2—DEPARTMENT OF AGRICULTURE

### Division 90—Weights and Measures

#### Chapter 10—Liquefied Petroleum Gases

#### EMERGENCY AMENDMENT

**2 CSR 90-10.012 Registration—Training.** The commission is amending sections (1), (3), and (5).

**PURPOSE:** This amendment changes the recipient of the application, administrator of the examination, and furnisher of application forms.

**[PUBLISHER'S NOTE:** The forms referenced in this rule may be accessed through the Missouri Department of Agriculture's website at [www.mda.state.mo.us](http://www.mda.state.mo.us) or by request from the agency at (573) 751-4278.]

**EMERGENCY STATEMENT:** This emergency amendment is necessary to comply with the requirements of section 323.025, RSMo Supp. 2007, which created the Missouri Propane Gas Commission to ensure the administration and enforcement of Chapter 323, Liquefied Petroleum Gases, and all rules and regulations and orders promulgated thereunder. This amendment requires that persons wanting to sell, handle, or transport liquefied petroleum gas (LPG) in Missouri, or install and service equipment and appliances for use with LPG in Missouri, apply to and get approval from the director of the Missouri Propane Gas Commission to become registered. The application is a critical means by which the commission is made aware of potential LPG business in Missouri, thereby enabling the commission to enforce safety regulations pertaining to business establishments and operations. Without this amendment, persons wanting to conduct LPG business in Missouri would not be required to apply for registration with the commission. The commission, therefore, would not be aware of these businesses, and the businesses could potentially be established and operational without proper safety regulations in place. Without these safety regulations, the potential for LPG accidents would be much greater. It is imperative that this rule be amended as quickly as possible so the commission can inspect and regulate the safety of all potential and existing LPG businesses. It is particularly important for potential and new businesses to have proper safeguards in place. Through early and on-going inspections, the commission will be able to prevent, discover, and correct unsafe LPG practices, equipment, containers, systems, and facilities. Under unsafe conditions, liquefied petroleum gas is extremely volatile and has been responsible for numerous accidents, many of which were catastrophic and fatal. Following the change in statute, the Missouri Department of Agriculture was unable to submit a proposed rule until members of the newly-created commission were appointed and approved by the governor with the advice and consent of the senate. The commission is comprised of members who represent various entities related to or interested in the propane industry, including multi-state and other retail marketers, wholesalers, or resellers, the Mechanical Contractors Association, the Plumbing Industry Council, an affiliated industry, Department of Agriculture, Department of Natural Resources, and the public. There was a delay in the appointment process due to a standstill by the senate. The appointment process was completed on March 20, 2008. Section 323.025, RSMo, states that any action taken by the commission may be authorized by resolution approved by a majority but not less than four (4) of the commissioners. The board's first meeting was on February 27, 2008. The proposed amendment was discussed at the April 23, 2008, board meeting, which was open to the public. Commissioners and other interested individuals were present and contributed to the discussion of the proposed amendment. Since that time, the commission sought and hired a director who was to coordinate this rulemaking. The director began employment on August 4, 2008. The amendment continued to be discussed and refined and was finalized on October 9, 2008. The Missouri Department of Agriculture believes this emergency amendment is necessary to protect the health, welfare, and safety of the public as it pertains to the storing, handling, and transportation of liquefied petroleum gases. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The Missouri Department of Agriculture believes this emergency amendment is fair to all interested persons and parties under the circumstances. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. This emergency amendment was filed on October 15, 2008, effective October 25, 2008, and expires April 22, 2009.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be

*made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) As a prerequisite to registration in this state and receiving a numbered certificate of registration to engage in the business of selling at retail liquefied petroleum gas (LPG), or in the business of handling or transporting LPG over the highways of this state, or in the business of installing and servicing equipment and appliances for use with LPG in this state, application shall be made to the director [of agriculture] on forms, prescribed for this purpose with such reasonable information as shall be deemed necessary, **which may be obtained from the Missouri Propane Gas Commission at (573) 893-1073 and are incorporated by reference.**

(3) Every individual applying for registration to engage in the business of handling, storing, or transporting LPGs or in the business of installing, repairing, or servicing piping, equipment, or appliances for use with LPGs must score at least seventy-five percent (75%) on a written examination administered by the [Division of Weights and Measures] **Missouri Propane Gas Commission** before approval of registration will be granted.

(5) Residents of states other than Missouri who desire to engage in or continue to do business in this state shall submit an application for registration on forms **MPGC-1219, MPGC-0910, and MPGC-1136, all published in 2008, and** furnished for this purpose by the director [of agriculture], **which may be obtained from the publisher, Missouri Propane Gas Commission at (573) 893-1073, 4110 Country Club Dr., Ste. 200, Jefferson City, MO 65109-0302, which are incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material.** Qualifications and approval for this registration permit will be determined on the basis outlined in Chapter 323, RSMo. The information submitted shall be related to the requirements of this state and any additional provisions required by the LPG inspection authority of their state residency in determining eligibility for registration.

*AUTHORITY: section 323.020, RSMo 2000. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Dec. 3, 2001, effective June 30, 2002. Emergency amendment filed Oct. 15, 2008, effective Oct. 25, 2008, expires April 22, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 10—Nursing Home Program**

**EMERGENCY RULE**

**13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates**

*PURPOSE: This rule sets forth the global per diem adjustments to be applied to nursing facility reimbursement rates, established in 13 CSR 70-10.015, and HIV nursing facility reimbursement rates, established in 13 CSR 70-10.080. The global per diem adjustments were previously included in 13 CSR 70-10.015 and 13 CSR 70-10.080. This rule provides for a per diem increase to nursing facility and HIV nursing facility reimbursement rates by granting a trend adjustment resulting in an increase of six dollars and zero cents (\$6.00) effective for dates of service beginning July 1, 2008.*

*EMERGENCY STATEMENT: The Department of Social Services, MO HealthNet Division by rule and regulation must define the reasonable costs, manner, extent, quantity, quality, charges, and fees of medical assistance. Effective for dates of service beginning July 1, 2008, the appropriation by the General Assembly included additional funds to increase nursing facilities' and HIV nursing facilities' reimbursements to account for a trend adjustment for state fiscal year (SFY) 2009. The Centers for Medicare and Medicaid Services approved the Missouri Medicaid State Plan Amendment that added the six dollars and zero cents (\$6.00) increase on September 25, 2008. The MO HealthNet Division is carrying out the General Assembly's intent by providing for a per diem increase to nursing facility and HIV nursing facility reimbursement rates through the implementation of a trend adjustment effective for dates of service beginning July 1, 2008, of an additional six dollars and zero cents (\$6.00). The trend adjustment is necessary to ensure that payments for nursing facility and HIV nursing facility per diem rates are in line with the funds appropriated for that purpose. There is a total of five hundred and four (504) nursing facilities and HIV nursing facilities currently enrolled in MO HealthNet, which will receive a per diem increase to its reimbursement rate of six dollars and zero cents (\$6.00) effective for dates of service beginning July 1, 2008. This emergency rule will ensure payment for nursing facility and HIV nursing facility services to approximately twenty-five thousand (25,000) senior Missourians in accordance with the appropriation authority. This emergency rule must be implemented on a timely basis to ensure that quality nursing facility and HIV nursing facility services continue to be provided to MO HealthNet participants in nursing facilities and HIV nursing facilities during SFY 2009 in accordance with the appropriation authority. As a result, the MO HealthNet Division finds an immediate danger to public health, safety, and/or welfare and a compelling governmental interest, which requires emergency action. The MO HealthNet Division has a compelling government interest in providing continued cash flow for nursing facility and HIV nursing facility services. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The MO HealthNet Division believes this emergency rule is fair to all interested persons and parties under the circumstances. A proposed rule covering the six dollars and zero cents (\$6.00) increase was published in the Missouri Register on August 1, 2008 (33 MoReg 1429-1432). The final order of rulemaking relating to that proposed rule was filed with the Joint Committee on Administrative Rules on September 19, 2008 and will be filed with the secretary of state October 19, 2008. Therefore, the division believes this emergency to be fair to all interested persons and parties under the circumstances. This emergency rule was filed October 3, 2008, effective October 13, 2008, and expires April 10, 2009.*

(1) Authority. This regulation is established pursuant to the authorization granted to the Department of Social Services (department), MO HealthNet Division (division), to promulgate rules and regulations.

(2) Purpose. This regulation sets forth the global per diem adjustments to be applied to nursing facility reimbursement rates, established in 13 CSR 70-10.015, and Human Immunodeficiency Virus (HIV) nursing facility reimbursement rates, established in 13 CSR 70-10.080. All principles and definitions set forth in 13 CSR 70-10.015 are applicable to nursing facilities, and all principles and definitions set forth in 13 CSR 70-10.080 are applicable to HIV nursing facilities. The terms "facility" or "facilities" as used in this regulation shall apply to both nursing facilities and HIV nursing facilities.

(3) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed in 13 CSR 70-10.015, a nursing facility's reimbursement rate may be adjusted as described in this section. Subject to the limitations prescribed in 13 CSR 70-10.080, an HIV nursing



facility's reimbursement rate may be adjusted as described in this section.

(A) Global Per Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per diem rate adjustments. Global per diem rate adjustments shall be added to the specified cost component ceiling.

1. FY-96 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1995, shall be granted an increase to their per diem effective October 1, 1995, of four and six-tenths percent (4.6%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

2. FY-97 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1996, shall be granted an increase to their per diem effective October 1, 1996, of three and seven-tenths percent (3.7%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

3. Nursing Facility Reimbursement Allowance (NFRA). Effective October 1, 1996, all facilities with either an interim rate or a prospective rate shall have its per diem adjusted to include the current NFRA as an allowable cost in its reimbursement rate calculation.

4. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on November 1, 1996, shall be granted an increase to their per diem effective November 1, 1996, of two dollars and forty-five cents (\$2.45) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the fifty-cent (50¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

5. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on September 1, 1997, shall be granted an increase to their per diem effective September 1, 1997, of one dollar and ninety-eight cents (\$1.98) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the forty-cent (40¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

6. FY-98 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1997, shall be granted an increase to their per diem effective October 1, 1997, of three and four-tenths percent (3.4%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

7. FY-99 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1998, shall be granted an increase to their per diem effective October 1, 1998, of two and one-tenth percent (2.1%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1998, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

8. FY-2000 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 1999, shall be granted an increase to their per diem effective July 1, 1999, of one and ninety-four hundredths percent (1.94%) of the cost determined in subsections (11)(A), (11)(B), (11)(C), the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on July 1, 1999, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

9. FY-2004 nursing facility operations adjustment.

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2003, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2003, through June 30, 2004, of four dollars and thirty-two cents (\$4.32) for the cost of nursing facility operations. Effective for dates of service beginning July 1, 2004, the per diem adjustment shall be reduced to three dollars and seventy-eight cents (\$3.78).

B. The operations adjustment shall be added to the facility's current rate as of June 30, 2003, and is effective for payment dates after August 1, 2003.

10. FY-2007 quality improvement adjustment.

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2006, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2006, of three dollars and seventeen cents (\$3.17) to improve the quality of life for nursing facility residents.

B. The quality improvement adjustment shall be added to the facility's current rate as of June 30, 2006, and is effective for dates of service beginning July 1, 2006, and after.

11. FY-2007 trend adjustment.

A. Facilities with either an interim rate or a prospective rate in effect on February 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning February 1, 2007, of three dollars and zero cents (\$3.00) to allow for a trend adjustment to ensure quality nursing facility services.

B. The trend adjustment shall be added to the facility's reimbursement rate as of January 31, 2007, and is effective for dates of service beginning February 1, 2007, for payment dates after March 1, 2007.

12. FY-2008 trend adjustment.

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2007, of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services.

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2007, and is effective for dates of service beginning July 1, 2007.

13. FY-2009 trend adjustment.



A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2008, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2008, of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services.

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2008, and is effective for dates of service beginning July 1, 2008.

*AUTHORITY: section 208.159, RSMo 2000 and sections 208.153 and 208.201, RSMo Supp. 2007. Original rule filed July 1, 2008. Emergency rule filed Oct. 3, 2008, effective Oct. 13, 2008, expires April 10, 2009.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 500—Property and Casualty  
Chapter 7—Title**

**EMERGENCY AMENDMENT**

**20 CSR 500-7.030 General Instructions.** The division is adding a new subsection (1)(G) and renumbering subsequent subsections.

*PURPOSE: This rule is being amended to adopt a form required by proposed rule 20 CSR 500-7.080.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

*EMERGENCY STATEMENT: This emergency amendment incorporates by reference the forms required in proposed and emergency rule 20 CSR 500-7.080, which establishes the review standards and reporting format for the annual on-site review required by section 381.023, RSMo Supp. 2007. This section was enacted by Senate Bill 66, Laws 2007. This emergency rule is necessary to preserve the public welfare of Missouri citizens by ensuring that the public, title insurers, title agents, and title agencies understand the on-site requirements outlined in section 381.023, RSMo Supp. 2007. Between July 2007 and the present, the department has met with the Title Insurance Advisory Committee, which is comprised of underwriters and title agents, many of whom represented small businesses, to discuss how to best implement the new requirements in Senate Bill 66, Laws 2007. As a result of these meetings, in January 2008, the department proposed a package of rules to implement parts of Senate Bill 66, Laws 2007. Those rules became effective September 30, 2008. This proposed amendment adopts a form insurers need to comply with the rule package effective September 30, 2008, and proposed rule 20 CSR 500-7.080. Even though Senate Bill 66 required insurers to conduct an annual on-site review beginning January 1, 2008, members of the Title Insurance Advisory Committee asked the department to file an emergency rule effective January 1, 2009, so all insurers can begin using the approved form for their 2009 filings. Further, if this rule is promulgated as an emergency rule, the department can more efficiently review filings for compliance with Senate Bill 66 because the filings will be formatted similarly. As a result, the Missouri Department of Insurance, Financial Institutions and Professional Registration finds an immediate danger to the public welfare and a compelling governmental interest, which requires emergency action. The scope of this emergency amendment is limited*

*ed to the conditions creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency rule, representatives of the insurance industry were consulted. Further, the department continues to consult with industry representatives in developing a permanent proposed rule. The department believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency rule was filed on October 15, 2008, effective January 1, 2009, and expires June 29, 2009.*

(1) Filing and Report Forms. The following forms are incorporated by reference and approved for filing with the department. The forms contain no later amendments or additions and are available to the public for inspection and copying at the department's website at [www.insurance.mo.gov](http://www.insurance.mo.gov) or at the department offices at 301 West High Street, Room 530, Jefferson City, MO 65101.

**(G) The Insurer's On-site Review Report form (Form T-6A and Form T-6B), revised September 9, 2008, or any form which substantially comports with the specified form.**

**[(G)](H) The Uniform Premium (Risk Rate) Report form (Form T-7), revised January 1, 2008, or any form which substantially comports with the specified form.**

**[(H)](I) The Seller's Closing Protection Letter form (Form T-8 and Form T-8alt), revised on January 17, 2008, or any form which substantially comports with the specified form.**

**[(I)](J) The Buyer's or Lender's Closing Protection Letter form (Form T-9 and Form T-9alt), revised on January 17, 2008, or any form which substantially comports with the specified form.**

**[(J)](K) The Title Plant Registration form (Form T-12), revised on May 21, 2008, or any form which substantially comports with the specified form.**

*AUTHORITY: section 374.045, RSMo 2000 and section 381.042, RSMo Supp. 2007. Emergency rule filed Jan. 16, 2008, effective Jan. 28, 2008, expired July 14, 2008. Original rule filed Jan. 16, 2008, effective Sept. 30, 2008. Emergency amendment filed Oct. 15, 2008, effective Jan. 1, 2009, expires June 29, 2009. A proposed amendment covering this same material appears in this issue of the Missouri Register.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 500—Property and Casualty  
Chapter 7—Title**

**EMERGENCY RULE**

**20 CSR 500-7.080 Insurer's Annual On-site Review**

*PURPOSE: This regulation prescribes requirements for the minimum threshold level of review, standards of review, and the approved review report to the director for the insurer's annual on-site review of title agencies or title agents. This report to the director is a review report and is not intended to limit the actions of insurers in performing more detailed reviews.*

*EMERGENCY STATEMENT: This emergency rule establishes the review standards and reporting format for the annual on-site review required by section 381.023, RSMo Supp. 2007. This section was enacted by Senate Bill 66, Laws 2007. This emergency rule is necessary to preserve the public welfare of Missouri citizens by ensuring that the public, title insurers, title agents, and title agencies understand the on-site requirements outlined in section 381.023, RSMo Supp. 2007. Between July 2007 and the present, the department has met with the Title Insurance Advisory Committee, which is comprised of underwriters and title agents, many of whom represented small*

*businesses, to discuss how to best implement the new requirements in Senate Bill 66, Laws 2007. As a result of these meetings, in January 2008, the department proposed a package of rules to implement parts of Senate Bill 66, Laws 2007. Those rules became effective September 30, 2008. This proposed rule requires a form insurers need to comply with the rule package effective September 30, 2008. Even though Senate Bill 66 required insurers to conduct an annual on-site review beginning January 1, 2008, members of the Title Insurance Advisory Committee asked the department to file an emergency rule effective January 1, 2009, so all insurers can begin using the approved form for their 2009 filings. Further, if this rule is promulgated as an emergency rule, the department can more efficiently review filings for compliance with Senate Bill 66 because the filings will be formatted similarly. As a result, the Missouri Department of Insurance, Financial Institutions and Professional Registration finds an immediate danger to the public welfare and a compelling governmental interest, which requires emergency action. The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency rule, representatives of the insurance industry were consulted. Further, the department continues to consult with industry representatives in developing a permanent proposed rule. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed on October 15, 2008, effective January 1, 2009, and expires June 29, 2009.*

**(1) Annual On-site Review Required Under Certain Circumstances.**

(A) Insurers must conduct in each calendar year, after the initial contract year, an on-site review of agent/agency practices for each agent or agency that is currently appointed as a policy issuing agent. A report of such review shall be made to the director pursuant to subsection (2)(A) of this rule.

(B) The on-site review required under this rule constitutes minimum insurer review levels.

**(2) Standards of Annual On-site Review.** Insurer shall conduct an annual on-site review of underwriting, claims, and escrow practices of agencies where commitments and/or policies of the insurer have been issued that is reasonably designed to detect violations of Chapter 381, RSMo, compliance with the Issuing Agency Agreement and compliance with the underwriting standards and guidelines as established by the insurer. The insurer annual on-site review shall provide, at a minimum, for the following:

(A) Licensure Review. Each on-site review shall include a review of the title insurance agency license;

(B) Underwriting Practices and Claims. The title insurer shall review the agency's adherence to its established underwriting standards. The title insurer shall review the agency's procedures for notification of claims according to the terms of the Issuing Agency Contract between the title agency or agent and the insurer and the terms contained in the insurer's policies of title insurance;

(C) Insurer Remittances. Each on-site review shall verify that the funds held on behalf of the insurer are reasonably ascertainable from the books of account and records of the title agency or agent and are sufficient to satisfy the obligations of the title agency or agent to the insurer. Each on-site review shall verify that remittances are being paid to the insurer by the policy issuing agent in a timely manner in accordance with section 381.038.3, RSMo;

(D) Insurer-Agency Contract. Each on-site review shall include a review of the title insurer and title insurance agency/title insurance agent contracts to ensure a) the contract sets forth the responsibilities of each party and, when both parties share the responsibility for a particular function, specifies the division of responsibilities, and b) the contract is up-to-date and properly executed;

(E) Annual Statement. The title insurer shall obtain from the title insurance agent, or from the title insurance agency if the title insurance agent is employed by a title insurance agency, a statement of financial condition of the title insurance agent or title insurance

agency as required pursuant to section 381.023.2(2), RSMo, which includes an income statement and balance sheet or federal tax return showing the condition of the title insurance agent/agency affairs as of December 31 of the preceding year, or fiscal year. This statement of financial condition shall be certified by the title insurance agent or the title insurance agency's designated agent as being a true and correct representation of the financial condition. The title insurer shall document its receipt of the title insurance agent's or title insurance agency's statement of financial condition in the title insurer's on-site review report and shall maintain the documentation provided by the agent/agency in support of such statement for a period of at least four (4) years;

(F) Affiliated Business. The title insurer shall review the title insurance agent's affiliated business arrangements for conflicts of interest and regulatory compliance;

(G) Orders. Each on-site review shall reconcile the title agency or agent's orders with commitments, title searches and title policies of the insurer, and collection of premiums on behalf of the insurer;

(H) Commitments. Each on-site review shall include a review of:

1. The title insurance agent's procedure for tracking issued commitments of the insurer;

2. The title insurance agent's practices relating to cancellation of commitments of the insurer on transactions that do not close; and

3. The title insurance agent's procedures for follow-up after closing to track status of outstanding conditions required for timely issuance of policies of the insurer;

(I) Voiding Policies. Each on-site review shall include a review of the title insurance agent's procedure for voiding policies of the insurer according to the terms of the Issuing Agency Contract and other guidelines as may be established from time-to-time by the insurer;

(J) Escrow, Security, and Settlement File Tracking. Each on-site review shall include a review of the title insurance agent's tracking of its open escrow files, security settlement, or closing files where commitments or policies of the insurer have been issued;

(K) Policy Register. Each on-site review shall include a reconciliation of policy jackets provided to the title insurance agent by the insurer, compared to existing outstanding inventory and policies of the insurer issued by the title insurance agent;

(L) Policy Issuance. Each on-site review shall include a review of the title insurance agent's files, where commitments or policies of the insurer have been issued, to determine the average length of time between the issuance of the title policy and either all of the requirements to insure have been met or special circumstances for policy delay as contained in 20 CSR 500-7.090 have been met; and

(M) Escrow Practices and Account Reconciliation. For those agents performing escrow, security settlement, or closing services pursuant to section 381.022, RSMo, the title insurer shall review the title insurance agent's closing procedures and shall include a sample of escrow closing files where commitments or policies of the title insurer have been issued, and based upon the findings of a review of the monthly reconciliations of all of the fiduciary trust accounts, as certified by the title agent or agency to the insurer, prepared by the title agent or agency. The review shall include a determination of compliance with the following: a) use of escrow agreements; b) adherence to the "good funds" requirements; c) deposit practices; d) disbursement of funds in compliance with written instructions; and e) recording of all deeds, releases, and other documents required of the title insurance agent.

**(3) Insurer's On-site Review Report (Form T-6A and T-6B).**

(A) Insurers conducting an annual on-site review are required under section 381.023.4, RSMo, to report the findings to the director. This report shall be made utilizing the Insurer's On-site Review Report form (Form T-6A) and Title Insurer's On-site Review Sampling Methods (Form T-6B), or any form that substantially complies with the specified form.

(B) Review Reports T-6A and T-6B shall be submitted to the director within one hundred twenty (120) days of the completion of the review, except that findings relating to Section 14, Escrow Practices

and Account Reconciliation, of Form T-6A, that do not comply with the escrow standards of the insurer, shall be submitted to the director within ten (10) days of verification of such findings.

(C) The title insurer shall complete Form T-6B for each title insurance agent on-site review report. Form T-6B shall be deemed by the department to be a trade secret as defined by section 417.453(4), RSMo, inasmuch as such data possess economic value by virtue of its confidential status, the same or like information is unavailable through other sources, and insurers have made reasonable efforts to maintain the confidentiality of the data. As such, Form T-6B shall be considered confidential communications and immune from requests made under Chapter 610, RSMo, nor shall such data otherwise be made available to the public or unauthorized individuals except in the manner and form prescribed by this rule.

*AUTHORITY: section 374.045, RSMo 2000 and sections 381.023 and 381.042, RSMo Supp. 2007. Emergency rule filed Oct. 15, 2008, effective Jan. 1, 2009, expires June 29, 2009. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2007.

**EXECUTIVE ORDER  
08-32**

TO ALL DEPARTMENTS AND AGENCIES:

This is to advise that state offices will be closed on Friday, November 28, 2008.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 2<sup>nd</sup> day of October, 2008.

A handwritten signature in black ink, reading "Matt Blunt".

**Matt Blunt  
Governor**

**ATTEST:**

A handwritten signature in black ink, reading "Robin Carnahan".

**Robin Carnahan  
Secretary of State**

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolism under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 10—Liquefied Petroleum Gases

### PROPOSED RULE

#### 2 CSR 90-10.001 Definitions and General Provisions

**PURPOSE:** *This rule reflects the terms of the Missouri Propane Gas Commission.*

(1) Definitions. The following words and phrases shall mean:

(A) "Affiliated industry," any person or firm engaged in the manufacturing, assembling, and marketing of appliances, containers, and products used in the propane industry, the interstate or intrastate transportation or storage of propane, the installation or design of propane piping systems, or other such affiliation with the commercial, residential, or agricultural use of propane by consumers in Missouri;

(B) "Commission," the Missouri Propane Gas Commission;

(C) "Compressed natural gas" (CNG), a mixture of hydrocarbon gases and vapors, consisting principally of methane in gaseous form that has been compressed for use as a vehicular fuel;

(D) "Director," the executive director of the commission;

(E) "Director of the Missouri Department of Agriculture," the director of the Missouri Department of Agriculture or their designee;

(F) "Dispensing station," a system of compressors, safety devices, cylinders, piping, fittings, valves, regulators, gauges, relief devices, vents, installation fixtures, and other compressed natural gas equipment intended for use in conjunction with motor vehicle fueling by compressed natural gas but does not include a natural gas pipeline located upstream of the inlet of the compressor;

(G) "Liquefied petroleum gas," any material which is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butanes (normal butane or isobutane), and butylenes;

(H) "Motor vehicle," all vehicles except those operated on rails which are propelled by internal combustion engines and are used or designed for use in the transportation of a person or persons or property;

(I) "Person," any individual, group of individuals, partnership, association, cooperative, corporation, or any other entity;

(J) "Producer," the owner of the propane at the time it is recovered at a manufacturing facility, irrespective of the state where production occurs;

(K) "Propane," propane, butane, mixtures of propane and butane, and liquefied petroleum gas, as defined by the National Fire Protection Association Standard 58 for the storage and handling of liquefied petroleum gases;

(L) "Public member," a member of the commission who is a resident of Missouri, is a user of odorized propane, and is not related by the third degree of consanguinity to any retailer or wholesale distributor of propane;

(M) "Retail marketer," a business engaged primarily in selling propane gas, its appliances, and equipment to the ultimate consumer or to retail propane dispensers;

(N) "Wholesaler" or "reseller," a seller of propane who is not a producer and who does not sell propane to the ultimate consumer.

**AUTHORITY:** *section 323.010, RSMo Supp. 2007. Original rule filed Oct. 15, 2008.*

**PUBLIC COST:** *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 10—Liquefied Petroleum Gases

### PROPOSED AMENDMENT

**2 CSR 90-10.011 Inspection Authority—Duties.** The commission is amending sections (1), (2), (3), and (8).

**PURPOSE:** This amendment changes the inspection authority of liquefied petroleum gas safety, clarifies the officer charged with duties related to meter inspections, and changes the type of testing required.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The director [of agriculture] is the officer in charge of [the collection of meter inspection fees, liquefied petroleum gas (LPG) meter inspection and] the safety in the storage, handling, transportation, and use of liquefied petroleum gas [in the Department of Agriculture] of the Missouri Propane Gas Commission referred to as the inspection authority.

(A) The director of the Missouri Department of Agriculture is the officer in charge of the collection of meter inspection fees and liquefied petroleum gas (LPG) meter inspections.

(2) The inspection authority shall have discretionary authority to require annual [pressure] leak testing of all LPG piping systems serving schools, churches, nursing homes, resorts, mobile home parks, public housing, hospitals, amusement parks, summer camps (Boy Scout, Girl Scout, church, etc.), and other public buildings and institutions. It shall be the responsibility of the owner, administrator, superintendent, director, or other responsible person directly associated with any of the piping systems serving any of the listed public buildings, mobile home parks, summer camps (Boy Scout, Girl Scout, church, etc.), amusement parks, and institutions to assume full responsibility to secure the annual [pressure] leak test of the LPG system on or before September 1 of each calendar year with the exception of summer camps and amusement parks which shall be completed on or before June 1 of each calendar year. A copy of the test report shall be submitted to the inspection authority within five (5) days after completion of the test. Failure to complete the required annual [pressure] leak tests may be due cause to consider the LPG system unsafe for continued use and shall be reason to place the system out-of-service until the time a [pressure] leak test is completed and the system found to be free of leaks and safe for continued operation.

(3) The standards for storage and handling of LPGs and the standards for the installation of gas appliances and gas piping as published in the National Fire Protection Association publications, Numbers 54, 1999 edition; 58, 2001 edition; 59, 1984 edition; 501A, 1982 edition; and 501C, 1987 edition. All publications are published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, which are incorporated by reference, and will be adhered to by the inspection authority in the course of administering its duties. **This rule does not incorporate any subsequent amendments or additions to the referenced material.** These are adopted as rules in 2 CSR 90-10.020, 2 CSR 90-10.040, 2 CSR 90-10.060, and 2 CSR 90-10.090.

(8) If the director [of the Department of Agriculture] determines that any LPG container constitutes an immediate danger to the public or property, s/he shall require the immediate removal of liquid and vapor LPG from the container by a registered LPG dealer or company. If the director determines that any LPG appliance, equipment, or system constitutes an immediate danger to the public and property, s/he shall require the immediate disconnection by a registered LPG dealer or company from the LPG container.

**AUTHORITY:** section 323.020, RSMo [1986] Supp. 2007. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed April 3, 1990, effective June 28, 1990. Emergency amendment filed Oct. 15, 2008, effective Oct. 25, 2008, expires April 22, 2009. Amended: Filed Oct. 15, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 2—DEPARTMENT OF AGRICULTURE

### Division 90—Weights and Measures

### Chapter 10—Liquefied Petroleum Gases

#### PROPOSED AMENDMENT

**2 CSR 90-10.012 Registration—Training.** The commission is deleting the old Publisher's Note and amending sections (1), (3), and (5).

**PURPOSE:** This amendment changes the recipient of the application, administrator of the examination, and furnisher of application forms.

[PUBLISHER'S NOTE: The forms referenced in this rule may be accessed through the Missouri Department of Agriculture's website at [www.mda.state.mo.us](http://www.mda.state.mo.us) or by request from the agency at (573) 751-4278.]

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) As a prerequisite to registration in this state and receiving a numbered certificate of registration to engage in the business of selling at retail liquefied petroleum gas (LPG), or in the business of handling or transporting LPG over the highways of this state, or in the business of installing and servicing equipment and appliances for use with LPG in this state, application shall be made to the director [of agriculture] on forms, prescribed for this purpose with such reasonable information as shall be deemed necessary, **which may be obtained from the Missouri Propane Gas Commission at (573) 893-1073 and are incorporated by reference.**

(3) Every individual applying for registration to engage in the business of handling, storing, or transporting LPGs or in the business of installing, repairing, or servicing piping, equipment, or appliances for use with LPGs must score at least seventy-five percent (75%) on a written examination administered by the [Division of Weights and Measures] Missouri Propane Gas Commission before approval of registration will be granted.

(5) Residents of states other than Missouri who desire to engage in or continue to do business in this state shall submit an application for registration on forms **MPGC-1219, MPGC-0910, and MPGC-1136, all published in 2008, and** furnished for this purpose by the director *[of agriculture.]*, **which may be obtained from the publisher, Missouri Propane Gas Commission at (573) 893-1073, 4110 Country Club Dr., Ste. 200, Jefferson City, MO 65109-0302, which are incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material.** Qualifications and approval for this registration permit will be determined on the basis outlined in Chapter 323, RSMo. The information submitted shall be related to the requirements of this state and any additional provisions required by the LPG inspection authority of their state residency in determining eligibility for registration.

*AUTHORITY: section 323.020, RSMo [2000] Supp. 2007. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Dec. 3, 2001, effective June 30, 2002. Emergency amendment filed Oct. 15, 2008, effective Oct. 25, 2008, expires April 22, 2009. Amended: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights and Measures  
Chapter 10—Liquefied Petroleum Gases**

**PROPOSED AMENDMENT**

**2 CSR 90-10.013 Installation Requirements.** The commission is deleting the old Publisher's Note and amending sections (11) and (13).

*PURPOSE: This amendment corrects the type of cylinder capacity when filled.*

*[PUBLISHER'S NOTE: The forms referenced in this rule may be accessed through the Missouri Department of Agriculture's website at [www.mda.state.mo.us](http://www.mda.state.mo.us) or by request from the agency at (573) 751-4278.]*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(11) All LPG dispensers shall have recommended fill procedures posted in a conspicuous location and all cylinder fill dispensers shall

be equipped with a state-approved scale to be utilized for the safe filling of LPG cylinders. LP gas cylinders of one hundred (100) pounds *[water]* propane capacity or less shall be filled by weight only utilizing a state-approved scale. Cylinders of one hundred (100) pounds capacity or less shall not be filled from any LP gas delivery vehicle. An exception may be made by the inspection authority for cylinders utilized in hot air balloon service if the cylinders are approved for such service, have an accurate approved method of gauging, are in good condition, and are filled in a safe location away from any source of ignition.

(13) Polyethylene pipe or tubing may be used for LPG service if in compliance with the American Society of Testing and Materials (ASTM) D2513 Standards, National Fire Protection Association (NFPA) 58, 1995 Edition, **published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101 and incorporated by reference,** installed only underground and approved by the LPG inspection authority. Plastic pipe or tubing shall not be used. **This rule does not incorporate any subsequent amendments or additions to the referenced material.**

*AUTHORITY: section 323.020, RSMo [2000] Supp. 2007. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Dec. 3, 2001, effective June 30, 2002. Amended: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights and Measures  
Chapter 10—Liquefied Petroleum Gases**

**PROPOSED AMENDMENT**

**2 CSR 90-10.014 Storage.** The commission is deleting the old Publisher's Note and amending section (8).

*PURPOSE: This amendment specifies material being referenced.*

*[PUBLISHER'S NOTE: The forms referenced in this rule may be accessed through the Missouri Department of Agriculture's website at [www.mda.state.mo.us](http://www.mda.state.mo.us) or by request from the agency at (573) 751-4278.]*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*



(8) All skid-mounted LPG storage container systems of four thousand (4000)-gallon capacity (single or multiple containers) shall comply with the National Fire Protection Association Manual Number 58, 1995 edition, section 3-2.8.10, **published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101 and incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material.**

*AUTHORITY: section 323.020, RSMo [1994] Supp. 2007. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 10—Liquefied Petroleum Gases

### PROPOSED AMENDMENT

**2 CSR 90-10.016 Meters for Measurement—Specifications and Proving.** The commission is amending sections (6), (7), (8), and (9).

*PURPOSE: This amendment clarifies the enforcer and governing authority of the general standards of the rule and adds the entity who may suspend permits.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(6) A person, firm, or corporation owning or having in its possession an LPG measuring device which is installed for use to measure liquid gallons to a retail customer in this state shall permit the device to be tested after reasonable request is made by the *[inspection authority]* **director of the Department of Agriculture** and give full assistance and cooperation during the testing procedure. Tickets and other records of deliveries shall be made available upon request to determine that proper compliance and procedure is in effect for making deliveries to retail customers.

(7) When liquid meters are determined to be accurate within the tolerance limits in the *[current]* **2008** edition of the National Institute of Standards and Technology Handbook 44, **published by the National Institute of Standards and Technology, Weights and**

**Measures Division, 100 Bureau Dr., Stop 2600, Gaithersburg, MD 20899-2600 and incorporated by reference, the *[inspection authority]* director of the Department of Agriculture**, immediately upon completion of the test, shall seal the meter in a manner so as to prevent tampering which would affect the accuracy of measurement. No person shall remove, break, or tamper with the meter seal without the written consent of the *[inspection authority]* **director of the Department of Agriculture**. These requirements shall not preclude the necessity to make needed repairs to the metering device or to transfer to another tank. If it is necessary to break or remove the seal to accomplish repairs or transfer, written notice shall be given to the *[inspection authority]* **director of the Department of Agriculture** within forty-eight (48) hours from the date the repairs or transfer is made. **This rule does not incorporate any subsequent amendments or additions to the referenced material.**

(8) When a liquid meter is found to be inaccurate beyond the tolerance allowed in the *[current edition of the]* National Institute of Standards and Technology Handbook 44, after a test is made, it shall be conspicuously marked INACCURATE by the *[inspection authority]* **director of the Department of Agriculture** and shall not be used for measuring liquid gallons to retail customers until it has been corrected within tolerance limits.

(9) Any registrant delivering a lesser amount of LPG to a retail customer than is invoiced to the customer, if it is proven at a hearing conducted by the **director of the Department of Agriculture** for this purpose that the shortage of delivery and overbilling of the amount delivered was made with intent to defraud, shall be subject to having his/her registration permit suspended by the **inspection authority**.

*AUTHORITY: section 323.020, RSMo [1994] Supp. 2007. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 10—Liquefied Petroleum Gases

### PROPOSED RESCISSION

**2 CSR 90-10.017 Mobile Homes.** This rule set minimum general standards governing the utilization of liquefied petroleum gas in mobile homes.

*PURPOSE: This rule is being rescinded as it is no longer an enforceable provision.*

*AUTHORITY: section 323.020, RSMo 1994. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Rescinded: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights and Measures  
Chapter 10—Liquefied Petroleum Gases**

**PROPOSED AMENDMENT**

**2 CSR 90-10.020 NFPA Manual No. 54, National Fuel Gas Code.**  
The commission is eliminating the “Summary” and amending section (1).

*PURPOSE: This amendment adds the scope of the National Fire Protection Manual No. 54, National Fuel Gas Code to the text.*

*[SUMMARY: The scope of National Fire Protection Association (NFPA) Manual No. 54, National Fuel Gas Code, 1999 edition, is to develop fire safety codes, standards, recommended practices and manuals, as may be considered desirable, covering the installation of piping and appliances using fuel gases such as natural gas, manufactured gas, liquefied petroleum gas and liquefied petroleum gas-air mixture.]*

*PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Standards contained in National Fire Protection Association (NFPA) Manual No. 54, *National Fuel Gas Code*, 1999 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, are incorporated herein by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material. The balance of this rule sets forth requirements for liquefied petroleum (LPG) applications not covered in the manual. **The scope of National Fire Protection Association (NFPA) Manual No. 54, National Fuel Gas Code, 1999 edition, is to develop fire safety codes, standards, recommended practices, and manuals, as may be considered desirable, covering the installation of piping and appliances using fuel gases such as natural gas, manufactured gas, liquefied petroleum gas, and liquefied petroleum gas-air mixture.**

*AUTHORITY: section[s] 261.023.6, RSMo 2000 and section 323.020, RSMo [2000] Supp. 2007. Original rule filed Jan. 24, 1968, effective Feb. 3, 1968. Amended: Filed Sept. 8, 1969, effective Sept. 18, 1969. Amended: Filed May 13, 1977, effective Jan. 13, 1978. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Dec. 3, 2001, effective June 30, 2002. Amended: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights and Measures  
Chapter 10—Liquefied Petroleum Gases**

**PROPOSED AMENDMENT**

**2 CSR 90-10.040 NFPA Manual No. 58, Storage and Handling of Liquefied Petroleum Gases.** The commission is amending sections (1), (4), and (8).

*PURPOSE: This amendment identifies the entity who issues state decals, to whom forms are filed, and who approves the preparer of the Fire Safety Analysis.*

*PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) This rule incorporate/d/s by reference National Fire Protection Association (NFPA) Manual No. 58, *Storage and Handling of Liquefied Petroleum Gases*, 2001 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, as the current Standard for the Storage and Handling of Liquefied Petroleum Gases. **This rule does not incorporate any subsequent amendments or additions to the referenced material.**

(4) All this installed equipment shall be identified by a state decal issued by the *[Division of Weights and Measures, Department of Agriculture]* director and applied by the registered installer. Upon transfer of equipment from one (1) vehicle to another vehicle, the installation shall be reinspected and a new decal applied to the container and proper forms filed with the *[Division of Weights and Measures]* director.

(8) The written Fire Safety Analysis, required by the 2001 edition of the National Fire Protection Association’s Pamphlet 58, *Liquefied Petroleum Gas Code*, section 3.10.2.2, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, and incorporated by reference, shall be prepared by a

person approved by the [Department of Agriculture's Division of Weights & Measures] Missouri Propane Gas Commission, who has relevant experience and is knowledgeable of the practices of the LP gas industry. Except for an engineered facility, the Fire Safety Analysis may be prepared by the owner of the facility in cooperation with the local fire department and/or Fire Marshall. The Fire Safety Analysis for an engineered facility, such as one that incorporates refrigerated storage, automated fuel standby (either industrial or utility) or pipeline terminals, shall be prepared, stamped and signed by a professional engineer who has relevant experience in LP gas or fire protection. **This rule does not incorporate any subsequent amendments or additions to the referenced material.**

**AUTHORITY:** section[s] 261.023.6, *RSMo 2000* and section 323.020, *RSMo [2000] Supp. 2007*. Original rule filed Jan. 24, 1968, effective Feb. 3, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 15, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 2—DEPARTMENT OF AGRICULTURE**

### **Division 90—Weights and Measures**

#### **Chapter 10—Liquefied Petroleum Gases**

#### **PROPOSED RESCISSION**

**2 CSR 90-10.100 Inspection of School Buses Propelled by Liquefied Propane Gas.** This rule set forth the inspection procedure to be followed by all authorized inspectors of school buses which are equipped with liquefied propane gas carburetion. The annual inspection period, July through August, was established and the inspection was to be performed by an installer of liquefied propane gas registered with the Division of Weights and Measures, Department of Agriculture.

**PURPOSE:** This rule is being rescinded as it is no longer an enforceable provision.

**AUTHORITY:** section 323.020, *RSMo 1986*. Original rule filed Oct. 13, 1982, effective Feb. 11, 1983. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Rescinded: Filed Oct. 15, 2008.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. To be considered, comments must be

received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 3—DEPARTMENT OF CONSERVATION**

### **Division 10—Conservation Commission**

#### **Chapter 4—Wildlife Code: General Provisions**

#### **PROPOSED AMENDMENT**

**3 CSR 10-4.111 Endangered Species.** The commission proposes to amend subsections (3)(B) and (C).

**PURPOSE:** This amendment removes the barn owl, bald eagle, and western fox snake from the list of species designated as "endangered" in Missouri.

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

(B) Birds: northern harrier, interior least tern, [barn-owl,] Swainson's warbler, snowy egret, king rail, Bachman's sparrow, [bald eagle,] peregrine falcon, American bittern, greater prairie-chicken.

(C) Reptiles: western chicken turtle, Blanding's turtle, Illinois mud turtle, yellow mud turtle, [western fox snake,] Mississippi green water snake, massasauga rattlesnake.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, *RSMo 2000*. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 3—DEPARTMENT OF CONSERVATION**

### **Division 10—Conservation Commission**

#### **Chapter 4—Wildlife Code: General Provisions**

#### **PROPOSED AMENDMENT**

**3 CSR 10-4.113 Ginseng.** The commission proposes to amend sections (1) and (3) and delete the forms which follow in the *Code of State Regulations*.

**PURPOSE:** This amendment delays the sale/purchase date for dry wild ginseng from September 1 to September 15 and eliminates ginseng dealer forms from the Code.

(1) Wild ginseng (*Panax quinquefolium*) may be harvested from September 1 through December 31. Wild ginseng plants or roots harvested must possess three (3) or more true leaves (prongs). The entire stalk, minus the mature fruits, shall be kept with the plants until they are taken to the harvester's home or place of business. When harvesting wild ginseng, harvesters shall plant all seeds from

harvested plants within one hundred feet (100') of the parent plants. Plants or roots of wild ginseng taken in Missouri, or acquired from outside the state, may be purchased, sold, transported, or exported **in dried form** only from September [1] 15 through March 15; provided, **wet or undried roots may be purchased, sold, transported, or exported from September 1 through March 15** and certified roots may be possessed, purchased, sold, transported, or exported throughout the year in accordance with this rule.

(3) Any person, group, or business that purchases ginseng roots in Missouri for resale must register annually with the department as a ginseng dealer, and submit quarterly reports of all transactions within fifteen (15) days of the preceding buying period and an annual report of inventory, on forms provided by the department [which are included herein]. **Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org).** Annual registration shall be contingent upon compliance with this rule and receipt of the required reports. All records required by this rule shall be retained for three (3) years.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 29, 1983, effective Jan. 1, 1984. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

#### PROPOSED AMENDMENT

**3 CSR 10-4.117 Prohibited Species.** The commission proposes to amend subsections (2)(B), (C), and (D).

**PURPOSE:** This amendment corrects the inaccurate spelling of the scientific name of pink starling (*Sturnus roseus*); adds black carp to the prohibited species list and corrects a scientific name; adds quagga mussels (*Dreissena rostriformis bugensis*) to the list of species that may not be possessed in Missouri; and corrects a spelling error.

(2) For the purpose of this rule, prohibited species of wildlife shall include the following:

(B) Birds: pink starling or rosy pastor, *Sturnus [roseus] roseus*; species of dioch (including the subspecies black-fronted, red-billed or Sudan dioch), *Quelea quelea*; Java sparrow, *Padda oryzivora*; red whiskered bul-bul, *Pycnonotus jocosus*;

(C) Fishes: Live fish or viable eggs of **black carp (*Mylopharyngodon piceus*)**; snakehead fish of the genera *Channa* or *Parachanna* (or the generic synonyms of *Bostrychoides*, *Ophicephalus*, *Ophioccephalus*, and *Parophiof-Icephalus*); walking catfish of the family *Clariidae*; and

(D) Invertebrates: New Zealand mudsnail, *Potamopyrgus antipodarium*; rusty crayfish, *Orconectes rusticus*; Australian crayfish of the genus *Cherax*; mitten crabs of the genus *Eriocheir*; zebra mussels, *Dreissena polymorpha*; **quagga mussels, *Dreissena rostriformis bugensis***; mysterysnails of the genus [*Cipangoepaludina*] *Cipangopaludina*.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 20, 2005, effective Sept. 30, 2005. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 5—Wildlife Code: Permits

#### PROPOSED AMENDMENT

**3 CSR 10-5.205 Permits Required; Exceptions.** The commission proposes to amend subsections (1)(A)–(R) and reletter accordingly.

**PURPOSE:** This amendment removes references to “lessee”; removes reference to Hand Fishing Permits; excludes Conservation Order Permits from landowner privileges; eliminates the age sixty-five (65) fishing and hunting permit exemption for persons born on or after March 1, 1944; provides consistent age requirements for those accompanying and mentoring youth hunters; extends free trapping privileges to resident youth; and excludes Conservation Order Permit privileges granted to disabled military veterans.

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses, or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping, or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(A) A resident landowner [or lessee], as defined in this Code, may hunt, trap, or fish as prescribed in Chapters 6, 7, and 8 without permit (except landowner deer and turkey hunting permits, Migratory Bird Hunting Permit, Resident Cable Restraint Permit [and Hand Fishing Permit], and Conservation Order Permit as prescribed), but only on land s/he owns [or, in the case of the lessee, upon which s/he resides], and may transport and possess wildlife so taken.

(B) Any resident of Missouri [sixty-five (65) years of age or older] born before **March 1, 1944** may take fish, live bait, clams, mussels, turtles, and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing s/he carries a valid Missouri motor vehicle operator’s license, notarized affidavit, or similar official document proving his/her eligibility based on residency and age, and shall submit documentation for inspection by any agent of the department on request.

(C) Any resident of Missouri [sixty-five (65) years of age or older] born before **March 1, 1944** may take wildlife as provided in Chapter 7 without permit (except all special hunting permits, [and]

the Migratory Bird Hunting Permit, **and Conservation Order Permit** as prescribed); provided, while hunting s/he carries a valid Missouri motor vehicle operator's license, notarized affidavit, or similar official document proving his/her eligibility based on residency and age, and shall submit documentation for inspection by any agent of the department on request.

(E) Any person fifteen (15) years of age or younger may take wildlife (except deer and turkey) as provided in Chapter 7 without permit; provided, s/he is in the immediate presence of a properly licensed adult hunter *[or] who is eighteen (18) years of age or older and has in his/her possession a valid hunter education certificate card, or was born before January 1, 1967*. Persons under eleven (11) years of age may not purchase firearms deer and turkey hunting permits except as provided in subsection (1)(F) of this rule (see 3 CSR 10-5.215(4)).

(F) Any person at least six (6) but not older than fifteen (15) years of age may purchase *[a Youth] Deer and Turkey Hunting Permits without display of a hunter education certificate card. I, and may take one (1) deer of either sex statewide, during the firearms deer hunting seasons except that only an antlerless deer may be taken in seasons open only to antlerless deer; one (1) male turkey or turkey with visible beard during the spring turkey hunting season; and one (1) turkey of either sex during the fall firearms turkey hunting season; provided, s/he is hunting] Such person must hunt in the immediate presence of a properly licensed adult hunter who is eighteen (18) years of age or older and has in his/her possession a valid hunter education certificate card, for in the immediate presence of a resident landowner or lessee as defined in this Code on lands owned or leased by the resident landowner or lessee, provided the resident landowner was born before January 1, 1967. Youth Deer and Turkey Hunting Permit holders, who attain the age of eleven (11) during the prescribed permit year and have a valid hunter education certificate card, may surrender unused portion(s) of the Youth Deer and Turkey Hunting Permit and purchase other firearms deer and turkey hunting permits. Deer and turkeys taken under the Youth Deer and Turkey Hunting Permit must be included in the total season limits] or was born before January 1, 1967.*

(G) Any resident of Missouri fifteen (15) years of age or younger may take wildlife as provided in Chapter 8 without permit, except for cable restraint device requirements in rule 3 CSR 10-8.510 subsection (4)(B).

*[(G)](H)* Any person born on or after January 1, 1967 and at least sixteen (16) years of age and who does not possess a valid hunter education certificate card may purchase an Apprentice Hunter Authorization for no more than two (2) *[consecutive]* permit years (March 1 through the last day of February). The Apprentice Hunter Authorization allows the holder to purchase any firearms hunting permit as provided in this chapter *[(except the Youth Deer and Turkey Hunting Permit)]* without display of a hunter education certificate card. Such person must hunt in the immediate presence of a properly licensed adult hunter who is *[twenty-one (21)]* **eighteen (18)** years of age or older and who has in his/her possession a valid hunter education certificate card, **or was born before January 1, 1967**.

*[(H)](I)* Any hospital patient may fish without permit on the grounds of the hospital where under treatment.

*[(I)](J)* The director may issue special fishing permits for specified dates without cost to supervised groups involved in rehabilitation programs or groups of hospital patients or persons with disabilities under therapy.

*[(J)](K)* The director may issue special fishing permits authorizing persons assigned as trainees to a training or rehabilitation unit performing organized conservation or agricultural work under governmental supervision on federal, state, county, or municipal lands to take fish by gig and pole and line methods and to take frogs by

fishing methods on the public lands where such conservation or agricultural work is being performed, under regulations applicable to the area. Any person while exercising such privileges shall carry identification, issued by the training agency, showing current assignment to the training or rehabilitation unit.

*[(K)](L)* For educational purposes, the director may waive fishing permit or tag requirements for specified periods at specified sites and may authorize fishing in restricted waters.

*[(L)](M)* Any resident of Missouri having a visual acuity not exceeding 20/200 in the better eye with maximum correction, or having twenty degrees (20°) or less field of visual concentric contraction, and any resident who is so severely and permanently disabled as to be unable to move freely without the aid of a wheelchair, may take fish, live bait, clams, mussels, turtles, and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing s/he carries a certified statement of eligibility from a licensed ophthalmologist or optometrist or from a licensed physician.

*[(M)](N)* Any resident of Missouri with cerebral palsy or mental retardation as defined in section 630.005, RSMo, and who is so severely disabled that s/he cannot fish alone, may take fish, live bait, clams, mussels, turtles, and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing s/he is accompanied by a licensed adult fisherman and possesses a certified statement of eligibility from a licensed physician qualified to evaluate and treat the developmentally disabled.

*[(N)](O)* Any honorably discharged military veteran having a service-related disability of sixty percent (60%) or greater, or who was a prisoner of war during military service, may take fish, live bait, clams, mussels, turtles, and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed), and may take wildlife as provided in Chapter 7 without permit (except deer and turkey hunting permits and the Migratory Bird Hunting Permit **and Conservation Order Permit** as prescribed); provided, while hunting or fishing s/he carries a certified statement of eligibility from the U.S. Department of Veterans Affairs.

*[(O)](P)* Any Missouri resident who is the owner of land that wholly encloses a body of water, or any member of his/her immediate household, may fish without permit in those waters. In the case of corporate ownership, this privilege shall apply to those corporate owners whose domicile is on such corporate-owned land.

*[(P)](Q)* Any person may fish without permit, trout permit, and prescribed area daily tag during free fishing days. Free fishing days are the Saturday and Sunday following the first Monday in June.

*[(Q)](R)* A customer or guest of a licensed trout fishing area may fish for trout without permit (see 3 CSR 10-9.645).

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable.** The commission proposes to amend section (2).

*PURPOSE:* This amendment eliminates the reference to the Youth Deer and Turkey Hunting Permit.

(2) A permit for the taking of wildlife may be issued only to an individual and may be used only by the individual to whom it is issued. No permit, application for permit, method exemption, Missouri Conservation Heritage Card, or special hunting or fishing tag may be loaned, predated, falsified, altered, or misrepresented in any manner, except that a Missouri Conservation Heritage Card may be presented by another to purchase permits on behalf of the person named thereon. No firearms hunting permit shall be issued without containing the hunter education certificate card number where applicable; *except that a Youth Deer and Turkey Hunting Permit may be issued to persons at least six (6) but not older than fifteen (15) years of age without requiring display of a hunter education certificate card*].

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.220 Resident and Nonresident Permits.** The commission proposes to add a new section (6) and renumber subsequent sections.

*PURPOSE:* This amendment clarifies that a nonresident who is a registered student and living in Missouri may receive resident permit privileges.

(6) A nonresident who is a registered student attending a public or private secondary, post secondary, or vocational school located in this state, and living in this state, may purchase resident licenses and permits, except lifetime licenses. Students must carry evidence of a Missouri residence and student status while hunting, fishing, or trapping. Permits can be purchased only at Missouri Department of Conservation offices that sell permits.

[(6)](7) All persons who do not meet these qualifications shall possess a nonresident permit. Attendance at a Missouri school in itself does not constitute residency in the state.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 18, 1971, effective Dec. 31, 1971. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 5—Wildlife Code: Permits**

**PROPOSED RULE**

**3 CSR 10-5.222 Youth Pricing: Deer and Turkey Permits**

*PURPOSE:* This rule establishes reduced price deer and turkey permits for youth age fifteen (15) and younger.

Any person at least six (6), but not older than fifteen (15), years of age may purchase the following permits at fifty percent (50%) of the cost of a resident permit: Firearms Any-Deer Hunting Permit, Firearms Antlerless Deer Hunting Permit, Archer's Hunting Permit, Archery Antlerless Deer Hunting Permit, or Turkey Hunting Permits. When hunting on firearms deer or turkey permits, persons fifteen (15) years of age or younger must comply with the requirements in 3 CSR 10-5.205(1)(F).

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 2008.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.225 Permits: Permit Issuing Agents; Service Fees; Other Provisions.** The commission proposes to amend subsections (6)(A) and (B) and section (7).

*PURPOSE: This amendment deletes the reference to the Youth Deer and Turkey Hunting Permit and increases the fee for a replacement permit from two dollars (\$2) to three dollars (\$3).*

(6) Firearms hunting permits may not be sold to any persons born on or after January 1, 1967, unless an approved hunter education certificate card is displayed, or hunter education certification can be verified through direct access to computer data files; except that:

(A) Any firearms hunting permit [*except Youth Deer and Turkey Hunting Permit*] may be sold to any person born on or after January 1, 1967, and at least sixteen (16) years of age who purchases an Apprentice Hunter Authorization without display of a hunter education certificate card.

(B) [*Youth*] Deer and Turkey Hunting Permits may be sold to persons at least six (6), but not older than fifteen (15), years of age without requiring display of a hunter education certificate card.

(7) A replacement for a lost, destroyed, or mutilated permit may be issued by any permit issuing agent after verifying original permit through direct access of computer files. For a permit fee of [*two*] **three** dollars [*(\$2)*] **(\$3)**, the permit issuing agent shall certify the permit number and type of permit being replaced and issue the replacement permit.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Aug. 26, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately one hundred fifty-three thousand one hundred seventy dollars (\$153,170) total in the five (5)-year aggregate. This information is based on 30,634 replacement permit buyers × \$1.00 increase per permit sold = \$30,634 aggregate cost per year. \$30,634 per year × the assumed 5-year life of the regulation = \$153,170 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.225 Permits: Permit Issuing Agents; Service Fees; Other Provisions.**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
30,634 replacement permit buyers	N/A	\$153,170

**III. WORKSHEET**

30,634 replacement permit buyers X \$1.00 increase per permit sold = \$30,634 aggregate cost per year.  
\$30,634 per year X the assumed 5 year life of the regulation = \$153,170 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.300 Apprentice Hunter Authorization.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the requirement that specifies when purchase of the Apprentice Hunter Authorization is allowed. Hunters are allowed to buy this permit for two (2) years—previously the two (2) years were required to be consecutive. This amendment also deletes the reference to the youth deer and turkey hunting permit.

To allow the purchase of firearms hunting permits [(except the Youth Deer and Turkey Hunting Permit)] by persons born on or after January 1, 1967, and at least sixteen (16) years of age without display of a hunter education certificate card. This authorization may be purchased annually for **no more than two (2) [consecutive]** permit years (March 1 through the last day of February). Fee: ten dollars (\$10).

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 27, 2007, effective, Feb. 29, 2008. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.310 Resident Lifetime Conservation Partner Permit.** The commission proposes to amend section (1) and subsection (1)(D) and delete subsection (1)(E).

*PURPOSE:* This amendment eliminates the special price for the Resident Lifetime Conservation Partner Permit offered to persons age sixty (60) and older and includes the Conservation Order Permit privileges.

(1) To chase, pursue, take, possess, and transport fish (including trout), frogs, mussels, clams, turtles, crayfish, live bait, birds [(including] blue, snow, and Ross's geese during the Conservation Order and migratory birds; except wild turkey), and mammals (except deer), and to sell furbearers taken by hunting. Fee:

(D) For persons age forty (40) [through fifty-nine (59)] and older: six hundred dollars (\$600)

[(E) For persons age sixty (60) and older: seventy dollars (\$70)]

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.315 Resident Lifetime Fishing Permit.** The commission proposes to amend subsection (1)(D) and delete subsection (1)(E).

*PURPOSE:* This amendment eliminates the special price for the Resident Lifetime Fishing Permit offered to persons age sixty (60) and older.

(1) To pursue, take, possess, and transport fish (including trout), frogs, mussels, clams, turtles, crayfish, and live bait. Fee:

(D) For persons age forty (40) [through fifty-nine (59)] and older: Three hundred dollars (\$300)

[(E) For persons age sixty (60) and older: Thirty-five dollars (\$35)]

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed April 30, 2001, effective March 1, 2002. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Sept. 27, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.320 Resident Lifetime Small Game Hunting Permit.**  
The commission proposes to amend section (1) and subsection (1)(D) and delete subsection (1)(E).

*PURPOSE:* This amendment eliminates the special price for the Resident Lifetime Small Game Hunting Permit offered to persons age sixty (60) and older and includes the Conservation Order Permit privileges.

(1) To chase, pursue, take, possess, and transport birds (*including blue, snow, and Ross's geese during the Conservation Order and migratory birds; except wild turkey*), mammals (except deer), and frogs, and to sell furbearers taken by hunting. Fee:

(D) For persons age forty (40) *[through fifty-nine (59)] and older:* Three hundred dollars (\$300)

*[(E) For persons age sixty (60) and older: Thirty-five dollars (\$35)]*

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed April 30, 2001, effective March 1, 2002. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Sept. 27, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED RULE**

**3 CSR 10-5.321 Resident Senior Hunt and Fish Forever Permit**

*PURPOSE:* This rule establishes the Resident Senior Hunt and Fish Forever Permit.

(1) A life permit to pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish and live bait, birds (except wild turkey), and mammals (except deer), and to sell furbearers taken by hunting. A Trout Permit or daily trout tag is also required to possess trout or fish in some areas. A Migratory Bird Permit is also required to pursue, take, possess, and transport migratory birds during the prescribed seasons. The Conservation Order Permit is also required to take blue, snow, and Ross's geese during the light goose Conservation Order, and no other permits are needed. Fee:

(A) For persons age sixty through sixty-three (60–63): forty dollars (\$40)

(B) For persons age sixty-four (64) and older: twenty dollars (\$20)

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 2008.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED RULE**

**3 CSR 10-5.322 Resident Senior Fish Forever Permit**

*PURPOSE:* This rule establishes the Resident Senior Fish Forever Permit.

(1) A life permit to pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. A Trout Permit or daily trout tag is also required to possess trout or fish in some areas. Fee:

(A) For persons age sixty through sixty-three (60–63): twenty-four dollars (\$24)

(B) For persons age sixty-four (64) and older: twelve dollars (\$12)

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 2008.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED RULE**

**3 CSR 10-5.323 Resident Senior Hunt Forever Permit**

*PURPOSE:* This rule establishes the Resident Senior Hunt Forever Permit.

(1) A life permit to pursue, take, possess, and transport birds (except wild turkey), and mammals (except deer), and to sell furbearers taken by hunting. A Migratory Bird Permit is also required to pursue, take, possess, and transport migratory birds during the prescribed seasons. The Conservation Order Permit is also required to

take blue, snow, and Ross's geese during the light goose Conservation Order, and no other permits are needed. Fee:

(A) For persons age sixty through sixty-three (60–63): twenty-four dollars (\$24)

(B) For persons age sixty-four (64) and older: twelve dollars (\$12)

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 2008.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.330 Resident Small Game Hunting and Fishing Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment increases the fee for a Resident Small Game Hunting and Fishing Permit from nineteen dollars (\$19) to twenty-two dollars (\$22).*

To chase, pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, live bait, birds (except wild turkey), and mammals (except deer), and to sell furbearers taken by hunting. Fee: [*nineteen*] **twenty-two** dollars [*(\$19)*] **(\$22)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.230. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately \$1,917,300 total in the five (5)-year aggregate. This information is based on 127,820 Resident Small Game Hunting and Fishing Permit buyers × \$3.00 increase per permit sold = \$383,460 aggregate cost per year. \$383,460 per year × the assumed 5-year life of the regulation = \$1,917,300 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.330 Resident Small Game Hunting and Fishing Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
127,820 Resident Small Game Hunting and Fishing permit buyers	N/A	\$1,917,300

**III. WORKSHEET**

127,820 Resident Small Game Hunting and Fishing permit buyers X \$3.00 increase per permit sold = \$383,460 aggregate cost per year. \$383,460 per year X the assumed 5 year life of the regulation = \$1,917,300 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.340 Resident Fishing Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment increases the fee for a Resident Fishing Permit from twelve dollars (\$12) to fourteen dollars (\$14).*

To pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. Fee: [*twelve*] **fourteen** dollars [*(\$12)*] **(\$14)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.235. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately \$5,110,010 total in the five (5)-year aggregate. This information is based on 511,001 Resident Fishing Permit buyers × \$2.00 increase per permit sold = \$1,022,002 aggregate cost per year. \$1,022,002 per year × the assumed 5-year life of the regulation = \$5,110,010 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.340 Resident Fishing Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
511,001 Resident Fishing permit buyers	N/A	\$5,110,010

**III. WORKSHEET**

511,001 Resident Fishing permit buyers X \$2.00 increase per permit sold = \$1,022,002 aggregate cost per year.  
\$1,022,002 per year X the assumed 5 year life of the regulation = \$5,110,010 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.



**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.345 Resident Small Game Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Resident Small Game Hunting Permit from ten dollars (\$10) to twelve dollars (\$12).

To chase, pursue, take, possess, and transport birds (except wild turkey), mammals (except deer), and frogs, and to sell furbearers taken by hunting. Fee: *[ten]* **twelve** dollars *[( \$ 10 )]* **( \$ 12 )**.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.255. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities approximately four hundred fifty-one thousand four hundred ten dollars (\$451,410) total in the five (5)-year aggregate. This information is based on 45,141 Resident Small Game Hunting Permit buyers × \$2.00 increase per permit sold = \$90,282 aggregate cost per year. \$90,282 per year × the assumed 5-year life of the regulation = \$451,410 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.345 Resident Small Game Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
45,141 Resident Small Game Hunting permit buyers	N/A	\$451,410

**III. WORKSHEET**

45,141 Resident Small Game Hunting permit buyers X \$2.00 increase per permit sold = \$90,282 aggregate cost per year. \$90,282 per year X the assumed 5 year life of the regulation = \$451,410 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT****3 CSR 10-5.351 Resident Firearms Any-Deer Hunting Permit.**

The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Resident Firearms Any-Deer Hunting Permit from seventeen dollars (\$17) to twenty dollars (\$20).*

To pursue, take, possess, and transport one (1) deer of either sex statewide during the firearms deer hunting season. Fee: *[seventeen]* **twenty** dollars *[( \$ 17 )]* **( \$ 20 )**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately \$4,288,590 total in the five (5)-year aggregate. This information is based on 285,906 deer permit buyers  $\times$  \$3.00 increase per permit sold = \$857,718 aggregate cost per year. \$857,718 per year  $\times$  the assumed 5-year life of the regulation = \$4,288,590 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.351 Resident Firearms Any-Deer Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
285,906 deer permit buyers	N/A	\$4,288,590

**III. WORKSHEET**

285,906 deer permit buyers X \$3.00 increase per permit sold = \$857,718 aggregate cost per year.  
\$857,718 per year X the assumed 5 year life of the regulation = \$4,288,590 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.352 Resident Firearms Antlerless Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Resident Firearms Antlerless Deer Hunting Permit from seven dollars (\$7) to ten dollars (\$10).*

To pursue, take, possess, and transport one (1) antlerless deer during the firearms deer hunting season. Fee: *[seven]* **ten** dollars *[( \$ 7 )]* **(\$10)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately \$2,165,775 total in the five (5)-year aggregate. This information is based on 144,385 deer permit buyers × \$3.00 increase per permit sold = \$433,155 aggregate cost per year. \$433,155 per year × the assumed 5-year life of the regulation = \$2,165,775 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.352 Resident Firearms Antlerless Deer Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
144,385 Antlerless deer permit buyers	N/A	\$2,165,775

**III. WORKSHEET**

144,385 deer permit buyers X \$3.00 increase per permit sold = \$433,155 aggregate cost per year.  
\$433,155 per year X the assumed 5 year life of the regulation = \$2,165,775 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.359 Resident Managed Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Resident Managed Deer Hunting Permit from seventeen dollars (\$17) to twenty dollars (\$20).

To pursue, take, possess, and transport deer during a prescribed managed deer hunt. Fee: [*seventeen*] **twenty** dollars [(\$17)] **(\$20)**.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed June 5, 2002, effective March 1, 2003. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities approximately ninety-two thousand nine hundred forty dollars (\$92,940) total in the five (5)-year aggregate. This information is based on 6,196 managed deer permit buyers  $\times$  \$3.00 increase per permit sold = \$18,588 aggregate cost per year. \$18,588 per year  $\times$  the assumed 5-year life of the regulation = \$92,940 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.359 Resident Managed Deer Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
6,196 Managed deer permit buyers	N/A	\$92,940

**III. WORKSHEET**

6,196 Managed deer permit buyers X \$3.00 increase per permit sold = \$18,588 aggregate cost per year.  
\$18,588 per year X the assumed 5 year life of the regulation = \$92,940 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.360 Resident Archer's Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Resident Archer's Hunting Permit from nineteen dollars (\$19) to twenty-three dollars (\$23).

To pursue, take, possess, and transport deer and wild turkey during the fall deer and turkey archery season and small game during prescribed seasons, and to sell furbearers taken by hunting. Fee: *[nine-teen]* **twenty-three** dollars *[((\$19)] (\$23)*.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.260. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities approximately \$1,372,180 total in the five (5)-year aggregate. This information is based on 68,609 archery deer permit buyers  $\times$  \$4.00 increase per permit sold = \$274,436 aggregate cost per year. \$274,436 per year  $\times$  the assumed 5-year life of the regulation = \$1,372,180 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.360 Resident Archer's Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
68,609 Archery deer permit buyers	N/A	\$1,372,180

**III. WORKSHEET**

68,609 Archery deer permit buyers X \$4.00 increase per permit sold = \$274,436 aggregate cost per year.  
\$274,436 per year X the assumed 5 year life of the regulation = \$1,372,180 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.365 Resident Turkey Hunting Permits.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Resident Spring Turkey Hunting Permit from seventeen dollars (\$17) to twenty dollars (\$20) and the Resident Fall Turkey Hunting Permit from thirteen dollars (\$13) to fifteen dollars (\$15).*

(1) To pursue, take, possess, and transport wild turkey during the prescribed open season.

(A) Spring Season Permit. Fee: [*seventeen*] **twenty** dollars [*(\$17)*] **(\$20)**.

(B) Fall Season Permit. Fee: [*thirteen*] **fifteen** dollars [*(\$13)*] **(\$15)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.266. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities the following:*

*Spring season: 94,026 spring turkey permit buyers × \$3.00 increase per permit sold = \$282,078 aggregate cost per year. \$282,078 per year × the assumed 5-year life of the regulation = \$1,410,390 total aggregate cost over the five (5)-year term.*

*Fall season: 20,014 fall turkey permit buyers × \$2.00 increase per permit sold = \$40,028 aggregate cost per year. \$40,028 per year × the assumed 5-year life of the regulation = \$200,140 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.365 Resident Turkey Hunting Permits**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
114,040 Turkey permit buyers	N/A	\$1,610,530

**III. WORKSHEET**

Spring season: 94,026 spring turkey permit buyers X \$3.00 increase per permit sold = \$282,078 aggregate cost per year. \$282,078 per year X the assumed 5 year life of the regulation = \$1,410,390 total aggregate cost over the 5 year term.

Fall season: 20,014 fall turkey permit buyers X \$2.00 increase per permit sold = \$40,028 aggregate cost per year. \$40,028 per year X the assumed 5 year life of the regulation = \$200,140 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.370 Resident Trapping Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Resident Trapping Permit from ten dollars (\$10) to fourteen dollars (\$14).*

To attempt to take or take by trap only and to possess and transport furbearers, rabbits, and groundhogs, and to sell all these except rabbits. Fee: *[ten]* **fourteen** dollars *[( \$ 10 )]* **(\$14)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.290. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately one hundred two thousand five hundred sixty dollars (\$102,560) in the aggregate. This information is based on 5,128 Resident Trapping Permit buyers × \$4.00 increase per permit sold = \$20,512 aggregate cost per year. \$20,512 per year × the assumed 5-year life of the regulation = \$102,560 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.370 Resident Trapping Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5,128 Resident Trapping permit buyers	N/A	\$102,560

**III. WORKSHEET**

5,128 Resident Trapping permit buyers X \$4.00 increase per permit sold = \$20,512 aggregate cost per year.  
\$20,512 per year X the assumed 5 year life of the regulation = \$102,560 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.375 Resident Cable Restraint Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Resident Cable Restraint Permit from ten dollars (\$10) to ten dollars and fifty cents (\$10.50).*

To attempt to take or take by cable restraint device only and to possess, transport, and sell furbearers. This permit may be issued only to the holder of a Resident Trapping Permit who has successfully completed a cable restraint training course, validated by a certified instructor. Fee: ten dollars **and fifty cents** (\$10.50).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately twelve thousand eight hundred twenty-five dollars (\$12,825) in the aggregate. This information is based on 5,130 Resident Cable Restraint Permit buyers  $\times$  \$0.50 increase per permit sold = \$2,565 aggregate cost per year. \$2,565 per year  $\times$  the assumed 5-year life of the regulation = \$12,825 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.375 Resident Cable Restraint Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5,130 Resident Cable Restraint permit buyers	N/A	\$12,825

**III. WORKSHEET**

5,130 Resident Cable Restraint permit buyers X \$0.50 increase per permit sold = \$2,565 aggregate cost per year.  
\$2,565 per year X the assumed 5 year life of the regulation = \$12,825 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED RESCISSION**

**3 CSR 10-5.420 Youth Deer and Turkey Hunting Permit.** This rule established a minimum age and increased the maximum age for those eligible to obtain a youth deer and turkey hunting permit.

*PURPOSE: This rule is being rescinded as the Youth Deer and Turkey Hunting Permit is being eliminated.*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 6, 1998, effective March 1, 1999. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed Jan. 8, 2003, effective March 1, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed June 8, 2005, effective Nov. 30, 2005. Rescinded: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.425 Resident Archery Antlerless Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Resident Archery Antlerless Deer Hunting Permit from seven dollars (\$7) to ten dollars (\$10).*

To pursue, take, possess, and transport an antlerless deer during the archery deer hunting season. Fee: ~~seven~~ **ten** dollars ~~[( \$7 )]~~ **( \$10 )**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed April 29, 2004, effective Sept. 30, 2004. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately three hundred thirty-three thousand dollars (\$333,000) in the aggregate. This information is based on 22,200 Resident Archery Antlerless Deer Hunting Permit buyers × \$3.00 increase per permit sold = \$66,600 aggregate cost per year. \$66,600 per year × the assumed 5-year life of the regulation = \$333,000 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.425 Resident Archery Antlerless Deer Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
22,200 Resident Archery Hunting permit buyers	N/A	\$333,000

**III. WORKSHEET**

22,200 Resident Archery Hunting permit buyers X \$3.00 increase per permit sold = \$66,600 aggregate cost per year.  
\$66,600 per year X the assumed 5 year life of the regulation = \$333,000 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.430 Trout Permit.** The commission proposes to amend and number provisions of this rule and add a new section (2).

*PURPOSE: This amendment increases the fee for the trout permit from seven dollars (\$7) to ten dollars (\$10) and establishes a reduced price trout permit for anglers age fifteen (15) and under.*

**(1)** Required in addition to the prescribed fishing permit to possess and transport trout, except in areas where a daily trout fishing tag is required or as prescribed in 3 CSR 10-6.535(5). Fee: ~~seven~~ **ten** dollars ~~[( \$ 7 )]~~ **( \$ 10 )**.

**(2) Any person fifteen (15) years of age or younger may purchase a Trout Permit at fifty percent (50%) of the cost.**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.237. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately \$1,338,195 total in the five (5)-year aggregate. This information is based on 89,213 trout permit buyers × \$3.00 increase per permit sold = \$267,639 aggregate cost per year. \$267,639 per year × the assumed 5-year life of the regulation = \$1,338,195 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.430 Trout Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
89,213 trout permit buyers	N/A	\$1,338,195

**III. WORKSHEET**

89,213 trout permit buyers X \$3.00 increase per permit sold = \$267,639 aggregate cost per year. \$267,639 per year X the assumed 5 year life of the regulation = \$1,338,195 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.435 Migratory Bird Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Migratory Bird Hunting Permit from six dollars (\$6) to eight dollars (\$8).

Required of any person sixteen (16) years of age or older in addition to the prescribed hunting permit to pursue, take, possess, and transport waterfowl, doves, snipe, woodcock, and rails **during the prescribed seasons**. Fee: *[six]* **eight** dollars *[(\$6)]* **(\$8)**.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.256. Original rule filed Sept. 10, 1991, effective Feb. 6, 1992. Amended: Filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities approximately seven hundred thirty-four thousand six hundred thirty dollars (\$734,630) in the aggregate. This information is based on 73,463 Migratory Bird Hunting Permit buyers  $\times$  \$2.00 increase per permit sold = \$146,926 aggregate cost per year. \$146,926 per year  $\times$  the assumed 5-year life of the regulation = \$734,630 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.435 Migratory Bird Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
73,463 Migratory Bird Hunting permit buyers	N/A	\$734,630

**III. WORKSHEET**

73,463 Migratory Bird Hunting permit buyers X \$2.00 increase per permit sold = \$146,926 aggregate cost per year.  
\$146,926 per year X the assumed 5 year life of the regulation = \$734,630 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED RULE****3 CSR 10-5.436 Resident Conservation Order Permit**

*PURPOSE: This rule establishes a Conservation Order permit for resident participants of the light goose Conservation Order.*

To pursue, take, possess, and transport blue, snow, or Ross's geese during the Conservation Order in accordance with federal regulations and as prescribed in 3 CSR 10-7.440(3)(I)1. Fee: Five dollars (\$5).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 2008.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will cost private entities approximately seventy-two thousand two hundred fifty dollars (\$72,250) total in the five (5)-year aggregate. This information is based on 2,890 resident goose hunters  $\times$  \$5.00 fee per permit sold = \$14,450 aggregate cost per year. \$14,450 per year  $\times$  the assumed 5-year life of the regulation = \$72,250 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed Rule

Rule Number and Name: **3 CSR 10-5.436 Resident Conservation Order Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,890 resident goose hunters	N/A	\$72,250

**III. WORKSHEET**

2,890 resident goose hunters X \$5.00 fee per permit sold = \$14,450 aggregate cost per year. \$14,450 per year X the assumed 5 year life of the regulation = \$72,250 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.440 Daily Fishing Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment increases the fee for a Daily Fishing Permit from seven dollars (\$7) to seven dollars and fifty cents (\$7.50).

To pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. Fee: seven dollars **and fifty cents** (\$7.50) per day. A permit may be purchased for multiple days.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities approximately six hundred fourteen thousand five hundred ninety-five dollars (\$614,595) total in the five (5)-year aggregate. This information is based on 245,838 Daily Fishing Permit buyers  $\times$  \$0.50 increase per permit sold = \$122,919 aggregate cost per year. \$122,919 per year  $\times$  the assumed 5-year life of the regulation = \$614,595 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.440 Daily Fishing Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
245,838 Daily Fishing permit buyers	N/A	\$614,595

**III. WORKSHEET**

245,838 Daily Fishing permit buyers X \$0.50 increase per permit sold = \$122,919 aggregate cost per year.  
\$122,919 per year X the assumed 5 year life of the regulation = \$614,595 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.445 Daily Small Game Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Daily Small Game Hunting Permit from eleven dollars (\$11) to twenty dollars (\$20).

To chase, pursue, take, possess, and transport birds (except wild turkey), mammals (except deer and furbearers), and frogs, and to chase furbearers for training dogs during the closed season. Fee: ~~eleven~~ **twenty** dollars ~~[( \$ 11 )]~~ **( \$ 20 )** per day. A permit may be purchased for multiple days.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities approximately three hundred nineteen thousand three hundred sixty-five dollars (\$319,365) total in the five (5)-year aggregate. This information is based on 7,097 Daily Small Game Hunting Permit buyers  $\times$  \$9.00 increase per permit sold = \$63,873 aggregate cost per year. \$63,873 per year  $\times$  the assumed 5-year life of the regulation = \$319,365 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.445 Daily Small Game Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
7,097 Daily Hunting permit buyers	N/A	\$319,365

**III. WORKSHEET**

7,097 Daily Hunting permit buyers X \$9.00 increase per permit sold = \$63,873 aggregate cost per year. \$63,873 per year X the assumed 5 year life of the regulation = \$319,365 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.540 Nonresident Fishing Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment increases the fee for a Nonresident Fishing Permit from forty dollars (\$40) to forty-two dollars (\$42).

To pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. Fee: [~~forty~~] **forty-two** dollars [~~(\$40)~~] **(\$42)**.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.245. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities approximately five hundred twenty-three thousand nine hundred eighty dollars (\$523,980) total in the five (5)-year aggregate. This information is based on 52,398 Nonresident Fishing Permit buyers × \$2.00 increase per permit sold = \$104,796 aggregate cost per year. \$104,796 per year × the assumed 5-year life of the regulation = \$523,980 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.540 Nonresident Fishing Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
52,398 Nonresident Fishing permit buyers	N/A	\$523,980

**III. WORKSHEET**

52,398 Nonresident Fishing permit buyers X \$2.00 increase per permit sold = \$104,796 aggregate cost per year.  
\$104,796 per year X the assumed 5 year life of the regulation = \$523,980 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.545 Nonresident Small Game Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Nonresident Small Game Hunting Permit from seventy-five dollars (\$75) to eighty dollars (\$80).

To chase, pursue, take, possess, and transport birds (except wild turkey), mammals (except deer and furbearers), and frogs, and to chase furbearers for training dogs during the closed season. Fee: [~~seventy-five~~] **eighty** dollars [~~(\$75)]~~ **(\$80)**.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.270. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities approximately one hundred twenty-eight thousand five hundred seventy-five dollars (\$128,575) total in the five (5)-year aggregate. This information is based on 5,143 Nonresident Small Game Hunting Permit buyers  $\times$  \$5.00 increase per permit sold = \$25,715 aggregate cost per year. \$25,715 per year  $\times$  the assumed 5-year life of the regulation = \$128,575 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.545 Nonresident Small Game Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5,143 Nonresident Hunting permit buyers	N/A	\$128,575

**III. WORKSHEET**

5,143 Nonresident Hunting permit buyers X \$5.00 increase per permit sold = \$25,715 aggregate cost per year.  
\$25,715 per year X the assumed 5 year life of the regulation = \$128,575 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT****3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit.**

The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Nonresident Firearms Any-Deer Hunting Permit from one hundred seventy-five dollars (\$175) to two hundred twenty-five dollars (\$225).*

To pursue, take, possess, and transport one (1) deer of either sex statewide during the firearms deer hunting season. Fee: *[one hundred seventy-five] two hundred twenty-five* dollars *[( \$175)] (\$225)*.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately \$2,304,500 in the aggregate. This information is based on 9,218 Nonresident Firearms Any-Deer Hunting Permit buyers × \$50.00 increase per permit sold = \$460,900 aggregate cost per year. \$460,900 per year × the assumed 5-year life of the regulation = \$2,304,500 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
9,218 Nonresident Deer Hunting permit buyers	N/A	\$2,304,500

**III. WORKSHEET**

9,218 Nonresident Deer Hunting permit buyers X \$50.00 increase per permit sold = \$460,900 aggregate cost per year. \$460,900 per year X the assumed 5 year life of the regulation = \$2,304,500 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.552 Nonresident Firearms Antlerless Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Nonresident Firearms Antlerless Deer Hunting Permit from seven dollars (\$7) to twenty-five dollars (\$25).*

To pursue, take, possess, and transport one (1) antlerless deer during the firearms deer hunting season. A Nonresident Firearms Any-Deer Hunting Permit or a Nonresident Managed Deer Hunting Permit is required as a prerequisite to this permit. Fee: *[seven]* **twenty-five** dollars *[(\$7)]* **(\$25)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately four hundred sixty-three thousand eight hundred sixty dollars (\$463,860) in the aggregate. This information is based on 5,154 Nonresident Firearms Antlerless Deer Hunting Permit buyers × \$18.00 increase per permit sold = \$92,772 aggregate cost per year. \$92,772 per year × the assumed 5-year life of the regulation = \$463,860 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.552 Nonresident Firearms Antlerless Deer Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5,154 Nonresident Deer Hunting permit buyers	N/A	\$463,860

**III. WORKSHEET**

5,154 Nonresident Deer Hunting permit buyers X \$18.00 increase per permit sold = \$92,772 aggregate cost per year.  
\$92,772 per year X the assumed 5 year life of the regulation = \$463,860 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.554 Nonresident Archery Antlerless Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Nonresident Archery Antlerless Deer Hunting Permit from seven dollars (\$7) to twenty-five dollars (\$25).*

To pursue, take, possess, and transport one (1) antlerless deer during the archery hunting season. A Nonresident Archer's Hunting Permit is required as a prerequisite to this permit. Fee: *[seven]* **twenty-five** dollars *[( \$ 7 )]* **( \$ 25 )**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective Sept. 30, 2004. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately seventy-eight thousand four hundred eighty dollars (\$78,480) in the aggregate. This information is based on 872 Nonresident Deer Hunting permit buyers × \$18.00 increase per permit sold = \$15,696 aggregate cost per year. \$15,696 per year × the assumed 5-year life of the regulation = \$78,480 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.554 Nonresident Archery Antlerless Deer Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
872 Nonresident Deer Hunting permit buyers	N/A	\$78,480

**III. WORKSHEET**

872 Nonresident Deer Hunting permit buyers X \$18.00 increase per permit sold = \$15,696 aggregate cost per year.  
\$15,696 per year X the assumed 5 year life of the regulation = \$78,480 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Nonresident Managed Deer Hunting Permit from one hundred seventy-five dollars (\$175) to two hundred twenty-five dollars (\$225).

To pursue, take, possess, and transport deer during a prescribed managed deer hunt. Fee: *[one hundred seventy-five] two hundred twenty-five* dollars *[( \$ 175 )] ( \$ 225 )*.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities approximately seventeen thousand five hundred dollars (\$17,500) total in the five (5)-year aggregate. This information is based on 70 Nonresident Deer Hunting permit buyers  $\times$  \$50.00 increase per permit sold = \$3,500 aggregate cost per year. \$3,500 per year  $\times$  the assumed 5-year life of the regulation = \$17,500 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
70 Nonresident Deer Hunting permit buyers	N/A	\$17,500

**III. WORKSHEET**

70 Nonresident Deer Hunting permit buyers X \$50.00 increase per permit sold = \$3,500 aggregate cost per year.  
\$3,500 per year X the assumed 5 year life of the regulation = \$17,500 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED AMENDMENT**

**3 CSR 10-5.560 Nonresident Archer's Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Nonresident Archer's Hunting Permit from one hundred fifty dollars (\$150) to two hundred twenty-five dollars (\$225).*

To pursue, take, possess, and transport deer and wild turkey during the fall deer and turkey archery season and small game (except furbearers) during prescribed seasons. Fee: *[one hundred fifty]* **two hundred twenty-five** dollars *[( \$ 150 )]* **(\$225)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.275. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$1,762,500 in the aggregate. This information is based on 7,050 Nonresident Deer Hunting permit buyers × \$50.00 increase per permit sold = \$352,500 aggregate cost per year. \$352,500 per year × the assumed 5-year life of the regulation = \$1,762,500 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.560 Nonresident Archer's Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
7,050 Nonresident Deer Hunting permit buyers	N/A	\$1,762,500

**III. WORKSHEET**

7,050 Nonresident Deer Hunting permit buyers X \$50.00 increase per permit sold = \$352,500 aggregate cost per year. \$352,500 per year X the assumed 5 year life of the regulation = \$1,762,500 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.565 Nonresident Turkey Hunting Permits.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Nonresident Spring Turkey Hunting Permit from one hundred seventy-five dollars (\$175) to one hundred ninety dollars (\$190) and the Nonresident Fall Turkey Hunting Permit from one hundred five dollars (\$105) to one hundred ten dollars (\$110).

(1) To pursue, take, possess, and transport wild turkey during the prescribed season.

(A) Spring Season Permit. Fee: one hundred [*seventy-five*] **nine-ty** dollars [*(\$175)*] **(\$190)**.

(B) Fall Season Permit. Fee: one hundred [*five*] **ten** dollars [*(\$105)*] **(\$110)**.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.267. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities the following:

Spring season: 8,091 spring turkey permit buyers × \$15.00 increase per permit sold = \$121,365 aggregate cost per year. \$121,365 per year × the assumed 5-year life of the regulation = \$606,825 total aggregate cost over the five (5)-year term.

Fall season: 425 fall turkey permit buyers × \$5.00 increase per permit sold = \$2,125 aggregate cost per year. \$2,125 per year × the assumed 5-year life of the regulation = \$10,625 total aggregate cost over the five (5)-year term.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.565 Nonresident Turkey Hunting Permits**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
8,516 Turkey permit buyers	N/A	\$617,450

**III. WORKSHEET**

Spring season: 8,091 spring turkey permit buyers X \$15.00 increase per permit sold = \$121,365 aggregate cost per year. \$121,365 per year X the assumed 5 year life of the regulation = \$606,825 total aggregate cost over the 5 year term.

Fall season: 425 fall turkey permit buyers X \$5.00 increase per permit sold = \$2,125 aggregate cost per year. \$2,125 per year X the assumed 5 year life of the regulation = \$10,625 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED RULE**

**3 CSR 10-5.567 Nonresident Conservation Order Permit.** The commission proposes to adopt a rule.

*PURPOSE:* This rule establishes a Conservation Order permit for nonresident participants of the light goose Conservation Order.

To pursue, take, possess, and transport blue, snow, or Ross's geese during the Conservation Order in accordance with federal regulations and as prescribed in 3 CSR 10-7.440(3)(I)1. Fee: Forty dollars (\$40).

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 2008.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will cost private entities approximately eight hundred sixty-seven thousand dollars (\$867,000) total in the five (5)-year aggregate. This information is based on 4,335 nonresident goose hunters  $\times$  \$40.00 fee per permit sold = \$173,400 aggregate cost per year. \$173,400 per year  $\times$  the assumed 5-year life of the regulation = \$867,000 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed Rule

Rule Number and Name: **3 CSR 10-5.567 Nonresident Conservation Order Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4,335 nonresident goose hunters	N/A	\$867,000

**III. WORKSHEET**

4,335 nonresident goose hunters X \$40.00 fee per permit sold = \$173,400 aggregate cost per year.  
\$173,400 per year X the assumed 5 year life of the regulation = \$867,000 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED AMENDMENT**

**3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Nonresident Furbearer Hunting and Trapping Permit from one hundred twenty dollars (\$120) to one hundred thirty dollars (\$130).

To chase, pursue, take, possess, transport, and sell furbearers. Fee: one hundred [twenty] **thirty** dollars [(\$120)] **(\$130)**.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.292. Original rule filed June 29, 1981, effective Oct. 11, 1981. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities approximately seven thousand nine hundred fifty dollars (\$7,950) total in the five (5)-year aggregate. This information is based on 159 Nonresident Furbearer Hunting and Trapping permit buyers  $\times$  \$10.00 increase per permit sold = \$1,590 aggregate cost per year. \$1,590 per year  $\times$  the assumed 5-year life of the regulation = \$7,950 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
159 Nonresident Furbearer Hunting and Trapping permit buyers	N/A	\$7,950

**III. WORKSHEET**

159 Nonresident Furbearer Hunting and Trapping permit buyers X \$10.00 increase per permit sold = \$1,590 aggregate cost per year. \$1,590 per year X the assumed 5 year life of the regulation = \$7,950 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED RESCISSION**

**3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit.** This rule established a Nonresident Landowner Firearms Any-Deer Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms Any-Deer Hunting Permit.

*PURPOSE: This rule is being rescinded as the Nonresident Landowner Firearms Any-Deer Hunting Permit is being eliminated.*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Rescinded: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will cost private entities approximately nine hundred eighteen thousand seven hundred fifty dollars (\$918,750) total in the five (5)-year aggregate. This information is based on 1,225 Nonresident Deer Hunting permit buyers  $\times$  \$150.00 increase per permit sold = \$183,750 aggregate cost per year. \$183,750 per year  $\times$  the assumed 5-year life of the regulation = \$918,750 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed rescission

Rule Number and Name: **3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,225 Nonresident Deer Hunting permit buyers	N/A	\$918,750

**III. WORKSHEET**

1,225 Nonresident Deer Hunting permit buyers X \$150.00 increase per permit sold = \$183,750 aggregate cost per year. \$183,750 per year X the assumed 5 year life of the regulation = \$918,750 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED RESCISSION**

**3 CSR 10-5.579 Nonresident Landowner Firearms Turkey Hunting Permits.** This rule established a Nonresident Landowner Firearms Turkey Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms Turkey Hunting Permit.

*PURPOSE: This rule is being rescinded as the Nonresident Landowner Firearms Turkey Hunting Permit is being eliminated.*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Rescinded: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will cost private entities the following:*

*Spring season: 585 spring turkey permit buyers × \$115.00 increase per permit sold = \$67,275 aggregate cost per year. \$67,275 per year × the assumed 5-year life of the regulation = \$336,375 total aggregate cost over the five (5)-year term.*

*Fall season: 112 fall turkey permit buyers × \$60.00 increase per permit sold = \$6,720 aggregate cost per year. \$6,720 per year × the assumed 5-year life of the regulation = \$33,600 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed rescission

Rule Number and Name: **3 CSR 10-5.579 Nonresident Landowner Firearms Turkey Hunting Permits**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
8,516 Turkey permit buyers	N/A	\$369,975

**III. WORKSHEET**

Spring season: 585 spring turkey permit buyers X \$115.00 increase per permit sold = \$67,275 aggregate cost per year. \$67,275 per year X the assumed 5 year life of the regulation = \$336,375 total aggregate cost over the 5 year term.

Fall season: 112 fall turkey permit buyers X \$60.00 increase per permit sold = \$6,720 aggregate cost per year. \$6,720 per year X the assumed 5 year life of the regulation = \$33,600 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION****Division 10—Conservation Commission****Chapter 5—Wildlife Code: Permits****PROPOSED RESCISSION**

**3 CSR 10-5.580 Nonresident Landowner Archer's Hunting Permit.** This rule established a Nonresident Landowner Archer's Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Archer's Hunting Permit.

*PURPOSE: This rule is being rescinded as the Nonresident Landowner Archer's Hunting Permit is being eliminated.*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Rescinded: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will cost private entities approximately two hundred ninety-one thousand seven hundred fifty dollars (\$291,750) total in the five (5)-year aggregate. This information is based on 389 Nonresident Deer Hunting permit buyers  $\times$  \$150.00 increase per permit sold = \$58,350 aggregate cost per year. \$58,350 per year  $\times$  the assumed 5-year life of the regulation = \$291,750 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed rescission

Rule Number and Name: **3 CSR 10-5.580 Nonresident Landowner Archer's Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
389 Nonresident Archery Hunting permit buyers	N/A	\$291,750

**III. WORKSHEET**

389 Nonresident Deer Hunting permit buyers X \$150.00 increase per permit sold = \$58,350 aggregate cost per year.  
\$58,350 per year X the assumed 5 year life of the regulation = \$291,750 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 6—Wildlife Code: Sport Fishing: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.410 Fishing Methods.** The commission proposes to amend section (7).

*PURPOSE:* This amendment adds the *atlatl* to the list of methods for which fish must be retained by the taker and included in the prescribed daily limit.

(7) Fish legally taken by snagging, snaring, grabbing, **atlatl**, gig, bow, crossbow, or underwater spearfishing shall be retained by the taker and included in the prescribed daily limit.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 6—Wildlife Code: Sport Fishing: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.415 Restricted Zones.** The commission proposes to amend subsections (3)(D) and (E).

*PURPOSE:* This amendment will add *atlatl* to the list of prohibited methods of taking fish below Clearwater and Wappapello dams.

(3) Fish may be taken by all prescribed methods except trotlines, throwlines, and limb lines from:

(D) Black River within seven hundred feet (700') below the spillway walls of Clearwater Dam. Bowfishing, *[and]* gigging, **and use of atlatl** are also excluded in this zone.

(E) St. Francis River within seven hundred feet (700') below the spillway walls of Wappapello Dam. Bowfishing, *[and]* gigging, **and use of atlatl** are also excluded in this zone.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 6—Wildlife Code: Sport Fishing: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.530 Goggle-eye (Ozark Bass, Rock Bass and Shadow Bass) and Warmouth.** The commission proposes to amend section (4).

*PURPOSE:* This amendment corrects an inconsistency in format.

(4) Length Limits: No length limits, except all goggle-eye less than eight inches (8") in total length must be returned to the water unharmed immediately after being caught on the Big Piney River from Highway 17 bridge (*[in]* Texas County) to its confluence with the Gasconade River, Courtois Creek from Highway 8 bridge (*[in]* Crawford County) to its confluence with Huzzah Creek, the Eleven Point River from Thomasville Access to the Arkansas line, Huzzah Creek from Willhite Road (*[in]* Crawford County) to its confluence with the Meramec River, Meramec River from Highway 19 bridge (*[in]* Dent County) to Pacific Palisades Conservation Area and the Osage Fork of the Gasconade River from Skyline Drive bridge [*[near Orla* *[in]* (Laclede County) to its confluence with the Gasconade River.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 6—Wildlife Code: Sport Fishing: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.533 Shovelnose Sturgeon.** The commission proposes to amend section (2), add a new section (3), and renumber remaining sections.



*PURPOSE:* This amendment reorganizes the rule for clarity by amending section (2), adding a new section (3), and renumbering subsequent sections.

(2) Methods *[and Seasons]*.

(A) *Shovelnose sturgeon may be taken by p*:Pole and line, trotline, throwline, limb line, bank line, or jug line *[throughout the year]*.

(3) Seasons: Throughout the year.

*[(3)](4)* Length Limits: All shovelnose sturgeon more than thirty inches (30") in length, measured from the tip of snout to the fork of tail, must be returned to the water unharmed immediately after being caught.

*[(4)](5)* Shovelnose sturgeon, or parts thereof (including eggs), may not be used as bait.

*[(5)](6)* Shovelnose sturgeon must remain whole and intact while on waters of the state or adjacent banks.

*[(6)](7)* Extracted shovelnose sturgeon eggs may not be possessed while on waters of the state or adjacent banks, and may not be transported. Shovelnose sturgeon eggs may not be bought, sold, or offered for sale.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 30, 2003, effective July 1, 2004. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 6—Wildlife Code: Sport Fishing: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.540 Walleye and Sauger.** The commission proposes to amend section (1).

*PURPOSE:* This amendment reorganizes section (1) for consistency.

(1) Daily Limit: Four (4) in the aggregate, except/:

(A) *O*on the Mississippi River, the daily and possession limit is eight (8).

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 6—Wildlife Code: Sport Fishing: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.550 Other Fish.** The commission proposes to amend section (1) and subsections (2)(C) and (F).

*PURPOSE:* This amendment changes the word longbow to bow.

(1) Daily Limit: The daily limit for fish, other than those species listed as endangered in 3 CSR 10-4.111 or defined as game fish, is fifty (50) in the aggregate, if taken by pole and line, trotline, throwline, limb line, bank line, jug line, or underwater spearfishing. The daily limit if taken by gig, atlatl, *[long]*/bow, crossbow, snaring, snagging, or grabbing is twenty (20), in the aggregate. Bighead carp, common carp, goldfish, grass carp, and silver carp may be taken and possessed in any number.

(2) Methods and Seasons.

(C) Fish included in this rule may be taken by *[long]*/bow from streams between sunrise and midnight and from impounded waters during all hours throughout the year; except that from February 1 through March 31 on impounded waters, fish may be taken by this method only between sunrise and midnight.

(F) Fish included in this rule may be taken from waters existing temporarily through overflow outside the banks of a river or ditch by gig, atlatl, underwater spearfishing, *[long]*/bow, crossbow, snagging, or grabbing between sunrise and sunset throughout the year.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 6—Wildlife Code: Sport Fishing: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.615 Bullfrogs and Green Frogs.** The commission proposes to amend section (2).

*PURPOSE:* This amendment adds the atlatl as a method permitted for taking bullfrogs and green frogs and changes longbow to bow for consistency.

(2) Methods: Hand, handnet, **atlatl**, gig, */long/*bow, trotline, throwline, limb line, bank line, jug line, snagging, snaring, grabbing, or pole and line by the holder of a fishing permit. An artificial light may be used.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 6—Wildlife Code: Sport Fishing: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.620 Turtles.** The commission proposes to amend section (2).

*PURPOSE:* This amendment changes the word longbow to bow.

(2) Methods: Snagging, snaring, grabbing, */long/*bow, crossbow, trotline, throwline, limb line, bank line, jug line, hand, handnet, or pole and line. Shooting turtles with firearms is prohibited except as provided in 3 CSR 10-4.130.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 7—Wildlife Code: Hunting: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-7.405 General Provisions.** The commission proposes to amend sections (3) and (5).

*PURPOSE:* This amendment changes the word longbow to bow and removes lessee from landowner considerations.

(3) No person shall take or attempt to take any wildlife from or across a public roadway with a firearm, */long/*bow, or crossbow.

(5) Wildlife, except raccoons or other furbearing animals when treed with the aid of dogs, may not be searched for, spotlighted, located, harassed, or disturbed in any manner with the aid of an artificial light, headlight, or spotlight from any roadway, whether public or private, or in any field, woodland, or forest, by any person acting either singly or as one of a group of persons. This section shall not apply to the use of a light by a landowner *[or lessee]* as defined by this Code on property under his/her control.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 26, 1964, effective Dec. 31, 1964. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 7—Wildlife Code: Hunting: Seasons,**  
**Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-7.410 Hunting Methods.** The commission proposes to amend subsections (1)(H), (I), (O), and (P).

*PURPOSE:* This amendment changes the word longbow to bow; clarifies availability of forms; and removes lessees from landowner consideration.

(1) Wildlife may be hunted and taken only in accordance with the following:

(H) Special Firearms Provision. During the November portion and the antlerless portion of the firearms deer season in counties open to deer hunting, other wildlife and feral hogs (any hog, including Russian and European wild boar, that is not conspicuously identified by ear tags or other forms of identification and is roaming freely upon public or private lands without the landowner's permission) may be hunted only with a pistol, revolver, or rifle firing a rimfire cartridge .22 caliber or smaller or a shotgun and shot not larger than No. 4, except that waterfowl hunters, trappers, or landowners on their land *[or lessees on land upon which they reside]* may use other methods as specified in subsection (1)(G) of this rule.

(I) Bows and crossbows. *[Long]* Bows and crossbows may be used to take wildlife during the prescribed hunting seasons. Arrows and bolts containing any drug, poison, chemical, or explosive are prohibited, but illuminated sights, scopes, and quickpoint sights may be used. Hand-held string releasing mechanisms are permitted with *[long]* bows.

(O) Any properly licensed person with disabilities, as defined in this Code, may hunt and take wildlife from a stationary vehicle, provided while hunting s/he carries a physician's statement provided by the department and signed by a licensed physician which certifies the person has either a permanent or temporary disability which qualifies him/her to hunt from a stationary vehicle. **Printed copies of the physician's statement form can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org).** This disabled person shall provide a copy of the signed physician's statement to the department within ten (10) days of receiving the exemption.

(P) Any properly licensed person having a physical disability that would prevent them from hunting or taking wildlife by archery methods prescribed in this chapter, may hunt wildlife with a crossbow in lieu of a *[long]* bow, provided while hunting s/he carries a physician's statement provided by the department and signed by a licensed physician which certifies the person has either a permanent or temporary disability which qualifies him/her to hunt with a crossbow. **Printed copies of the physician's statement form can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org).**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons,  
Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-7.431 Deer Hunting Seasons: General Provisions.** The commission proposes to amend sections (3) and (7).

*PURPOSE: This amendment removes reference to lessees, nonresident landowners, and the Youth Deer and Turkey Hunting Permit.*

(3) Persons hunting or pursuing deer must possess a prescribed deer hunting permit. Resident landowners *[and lessees]* can qualify for no-cost permits; *nonresident landowners can qualify for reduced-cost permits*.

(7) During the firearms deer hunting season and during managed firearms deer hunts on those areas where such hunts are held, all persons hunting any game and also adult/s/ **mentors** accompanying **them** *[youths hunting deer on a Youth Deer and Turkey Hunting Permit]*, must wear a cap or hat and a shirt, vest, or coat of the color commonly known as hunter orange, which must be plainly visible from all sides. Camouflage orange garments do not meet this requirement. The following are exempt from this requirement:

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective May 15, 2004. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons,  
Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-7.433 Deer: Firearms Hunting Seasons.** The commission proposes to amend subsections (1)(B), (2)(A)–(C), (4)(A), and (5)(D).

*PURPOSE: This amendment removes reference to lessee and the Youth Deer and Turkey Hunting Permits as they are being eliminated.*

(1) The firearms deer hunting season is comprised of five (5) portions.

(B) Youth portions: November 1 and 2, 2008 and January 3 and 4, 2009; for persons at least six (6) but not older than fifteen (15) years of age and qualifying landowner *[or lessee]* youth age fifteen (15) and younger; use any legal deer hunting method to take one (1) deer statewide during the November 1 and 2, 2008 portion; use any legal deer hunting method to take deer statewide during the January 3 and 4, 2009 portion.

(2) Firearms Deer Hunting Permits.

*[(A) Youth Deer and Turkey Hunting Permit: for persons at least six (6) but not older than fifteen (15) years of age; valid*

for one (1) deer statewide, except that only antlerless deer may be taken during the urban counties and antlerless portions of the season.]

[(B)](A) Resident or Nonresident Firearms Any-Deer Hunting Permit: valid for one (1) deer statewide, except that only antlerless deer may be taken during the urban counties and antlerless portions of the season.

[(C)](B) Resident or Nonresident Firearms Antlerless Deer Hunting Permit[, Youth Firearms Antlerless Deer Hunting Permit]: valid for one (1) antlerless deer in any open county. Persons may purchase any number of these permits and fill them where valid. A Nonresident Firearms Any-Deer Hunting Permit must be purchased before purchasing Nonresident Firearms Antlerless Deer Hunting Permits.

(4) Other wildlife may be hunted during the firearms deer hunting season with the following restrictions:

(A) During the November portion statewide and the antlerless portion in open counties, other wildlife may be hunted only with pistol, revolver, or rifle firing a .22 caliber or smaller rimfire cartridge, or a shotgun and shot not larger than No. 4; except that waterfowl hunters, trappers, or landowners on their land [or lessees on land upon which they reside] may use other methods as specified in 3 CSR 10-7.410(1)(G).

(5) Feral hogs, defined as any hog, including Russian and European wild boar, not conspicuously identified by ear tags or other forms of identification and roaming freely on public or private lands without the landowner's permission (refer to section 270.400 of *Missouri Revised Statutes*), may be taken in any number during the firearms deer hunting season as follows:

(D) Resident landowners [and lessees] on qualifying land are not required to have any permit and may use any method to take feral hogs throughout the year.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective May 15, 2004. Amended: Filed June 8, 2005, effective July 15, 2005. Amended: Filed May 23, 2006, effective July 1, 2006. Amended: Filed May 21, 2007, effective July 1, 2007. Amended: Filed April 30, 2008, effective July 1, 2008. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

#### PROPOSED AMENDMENT

**3 CSR 10-7.434 Deer: Landowner Privileges.** The commission proposes to amend sections (1) and (4), and delete section (2) and renumber subsequent sections.

**PURPOSE:** This amendment removes reference to lessee and nonresident landowners and changes the provisions for resident landowner acreages.

(1) Resident landowners [and lessees] as [defined in 3 CSR 10-20.805] as **outlined in the Fall Deer & Turkey Hunting Regulations and Information booklet** can obtain no-cost deer hunting permits from any permit vendor. [When requesting such permits, landowners must specify the number of acres owned and county of ownership.]

(A) Those with [five (5)] **eighty (80)** or more [continuous] **contiguous** acres can each receive one (1) Resident Landowner Firearms Any-Deer Hunting Permit, one (1) Resident Landowner Archer's Hunting Permit, and, if property is in a county in which Archery Antlerless Deer Hunting Permits can be used, two (2) Resident Landowner Archery Antlerless Deer Hunting Permits.

(B) [In addition to the permits listed in subsection (1)(A), those with seventy-five (75) or more acres located in a single county or at least seventy-five (75) continuous acres bisected by a county boundary can receive a maximum of two (2) Resident Landowner Firearms Antlerless Deer Hunting Permits.] Landowners with at least [seventy-five (75)] **eighty (80)** acres in more than one (1) county must comply with landowner antlerless deer limits for each county.

[(2) Nonresident landowners as defined in 3 CSR 10-20.805 may apply to purchase reduced-cost Nonresident Landowner Archery and Firearms Deer Hunting Permits.]

[(3)](2) All landowner deer hunting permits are valid only on qualifying property.

[(4)](3) All landowners [and lessees] who take deer on landowner permits may also purchase and fill other deer hunting permits but must abide by seasons, limits, and restrictions. A landowner [or lessee] may take only one (1) antlered deer during the firearms deer hunting season. A landowner [or lessee] may take only two (2) antlered deer during the archery deer hunting season except that only one (1) antlered deer may be taken prior to the November portion of the firearms deer hunting season.

[(5)](4) Persons defined as landowners include:

- (A) General partners of partnerships;
- (B) Officers of resident or foreign corporations;
- (C) Officers or managing members of resident limited liability companies; and
- (D) Officers of benevolent associations organized pursuant to Chapter 352 of the *Revised Statutes of Missouri*.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective May 15, 2004. Amended: Filed June 8, 2005, effective July 15, 2005. Amended: Filed May 23, 2006, effective July 1, 2006. Amended: Filed May 21, 2007, effective July 1, 2007. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons,  
Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-7.437 Deer: Antlerless Deer Hunting Permit Availability.** The commission proposes to amend subsections (2)(A), (B), and (C).

*PURPOSE: This amendment removes reference to lessees and Youth Firearms Antlerless Deer Hunting Permit.*

(2) Firearms Deer Hunting Season.

(A) Resident and Nonresident Firearms Antlerless Deer Hunting Permits are not valid in the counties of: Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Reynolds, Scott, Stoddard, and Wayne except that resident landowners *[and lessees]* with *[seventy five (75)] eighty (80)* or more acres can each receive one (1) Resident Landowner Firearms Antlerless Deer Hunting Permit.

(B) Only one (1) Resident or Nonresident Firearms Antlerless Deer Hunting Permit *[or Youth Firearms Antlerless Deer Hunting Permit]* per person may be filled in the counties of: Barry, Barton, Christian, Crawford, Dade, Dent, Douglas, Franklin, Gasconade, Jasper, Jefferson, Lawrence, Maries, McDonald, Newton, Osage, Ozark, Perry, Phelps, Polk, Pulaski, Ripley, Shannon, St. Francois, Ste. Genevieve, Stone, Taney, Texas, Washington, Webster, and Wright.

(C) Any number of Resident or Nonresident Firearms Antlerless Deer Hunting Permits *[or Youth Firearms Antlerless Deer Hunting Permits]* may be filled in the counties of: Adair, Andrew, Atchison, Audrain, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Clark, Clay, Clinton, Cole, Cooper, Dallas, Daviess, DeKalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Johnson, Knox, Laclede, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Nodaway, Oregon, Pettis, Pike, Platte, Putnam, Ralls, Randolph, Ray, St. Charles, St. Clair, St. Louis, Saline, Schuyler, Scotland, Shelby, Sullivan, Vernon, Warren, and Worth.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective May 15, 2004. Amended: Filed June 8, 2005, effective July 15, 2005. Amended: Filed May 21, 2007, effective July 1, 2007. Amended: Filed April 30, 2008, effective July 1, 2008. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons,  
Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits.** The commission proposes to amend subsections (1)(A), (B), (C), and (D) and sections (5) and (8).

*PURPOSE: This amendment removes reference to the Youth Deer and Turkey Hunting Permit as it is being eliminated; takes out the resident restriction for youth hunts; clarifies the definition of "bow"; and eliminates the reference to lessee.*

(1) Turkeys may be pursued, taken, killed, possessed, or transported only as permitted in this rule.

(A) Spring Season. Spring season annually will begin on the third Monday in April. A person possessing the prescribed turkey hunting permit may take turkeys according to the season length and bag limit established annually by the Conservation Commission; *except that a person at least six (6) but not older than fifteen (15) years of age who possesses a Youth Deer and Turkey Hunting Permit may take only one (1) male turkey or turkey with visible beard during the season*]. Turkeys may be taken only by shotgun with shot no larger than No. 4, or *[long]*/bow, without the use of dogs, bait, electronic calls, or live decoys, from one-half (1/2) hour before sunrise to 1:00 p.m. Central Daylight Time (CDT). Possession of electronic calls or shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

(B) Fall Firearms Season. Fall season annually will be October 1 through October 31. A person possessing the prescribed turkey hunting permit may take two (2) turkeys of either sex during the season; *except that a person at least six (6) but not older than fifteen (15) years of age who possesses a Youth Deer and Turkey Hunting Permit may take only one (1) turkey of either sex during the season*]. Turkeys may be taken only by shotgun with shot no larger than No. 4 or *[long]*/bow; without the use of dogs, bait, electronic calls, or live decoys; from one-half (1/2) hour before sunrise to sunset in all counties except: Dunklin, McDonald, Mississippi, New Madrid, Newton, Pemiscot, and Scott. Possession of electronic calls or shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys. A person, while in the act of pursuing or hunting turkey on a fall firearms permit, shall not have both a firearm and *[long]*/bow on his/her person.

(C) Fall Archery Season. A person possessing the prescribed archer's hunting permit may take two (2) turkeys of either sex from September 15 through January 15, excluding the dates of the November portion of the firearms deer season. Turkeys may be taken only by *[long]*/bows, *recurve bows and compound bows*; without the use of dogs, bait, electronic calls, or live decoys; from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. An archer, while in the act of pursuing or hunting turkey on an archer's permit, shall not have a firearm on his/her person. Possession of electronic calls is prohibited while hunting turkeys.

(D) Youth Spring Season. The two (2)-day youth spring season will begin annually on the Saturday nine (9) days prior to the Monday opening of the spring season, except that when the youth season would overlap with Easter weekend the season will open on the Saturday prior to Easter weekend. **Any person** *[Missouri resident]* possessing *[a Youth Deer and Turkey Hunting Permit or]* the prescribed turkey hunting permit and who is at least six (6) but not older than fifteen (15) years of age on the opening day of the youth spring season may take only one (1) male turkey or turkey with visible beard during the youth spring season. A turkey harvested during the youth spring season will count towards an individual's spring season bag limit; individuals hunting under the prescribed turkey hunting permit

may not harvest a second bird during the first week of the spring season. Turkeys may be taken only by shotgun with shot no larger than No. 4, or */long/bow*, without the use of dogs, bait, electronic calls, or live decoys, from one-half (1/2) hour before sunrise to sunset. Possession of electronic calls or shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

(5) A resident landowner *for lessee as defined in 3 CSR 10-20.805*, possessing a landowner turkey hunting permit, may take and possess turkeys in accordance with this rule on his/her land *for, in the case of the lessee, on the land on which s/he resides* and shall report the turkeys through the Telecheck Harvest Reporting System as required in this rule.

(8) In accordance with section 270.400, RSMo, feral hogs (any hog, including Russian and European wild boar, that is not conspicuously identified by ear tags or other forms of identification and is roaming freely upon public or private lands without the landowner's permission) may be taken in any number during the spring firearms turkey season and youth spring season only by the holder of a valid, unused turkey hunting permit; and only by methods and times prescribed for taking turkeys. During the fall firearms turkey season, feral hogs may be taken only by the holder of a valid, unused turkey hunting permit or a small game hunting permit; and only by methods prescribed in Chapter 7 for taking wildlife, and without the use of bait. Other restrictions may apply on public lands. Resident landowners *for lessees* as defined in this Code may take feral hogs on their own property at any time, by any method, and without permit.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 15, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### **Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

#### **PROPOSED AMENDMENT**

**3 CSR 10-8.515 Furbearers: Trapping Seasons.** The commission proposes to amend sections (4) and (7).

*PURPOSE: This amendment removes a comma and clarifies availability of forms for record keeping.*

(4) Except as provided in 3 CSR 10-10.711, pelts of furbearers may be possessed, transported, consigned for processing, and sold only by the taker from November 15 through February 15, pelts of beaver may be possessed, transported, consigned for processing, and sold by the taker from November 15 through April 10, and tagged bobcats and otters or their pelts may be possessed and sold throughout the year. Bobcats or their pelts shall be delivered by the taker to an agent

of the department for registration or tagging; otters shall be delivered by the taker to an agent of the department only in the Otter Management Zone of harvest for registration or tagging. Bobcats and otters shall be registered or tagged before selling, transferring, tanning, or mounting not later than February 15, except for otters taken in Otter Management Zone E[, ] not later than March 4. It shall be illegal to purchase or sell untagged bobcats and otters or their pelts. Other pelts may be delivered or shipped and consigned by the taker to a licensed taxidermist or tanner before the close of the possession season for pelts. These pelts must be recorded by the taxidermist or tanner and shall not enter the raw fur market. After tanning, pelts may be possessed, bought, or sold without permit. Skinned carcasses of legally taken furbearers may be sold by the taker throughout the year. (Certain Department of Health and Senior Services rules also govern how furbearer carcasses might be utilized.)

(7) Red fox, gray fox, and coyotes may be taken alive during established seasons by prescribed methods and held in captivity. They may not be exported and may only be sold or given to holders of a valid Hound Running Area Operator and Dealer Permit. Live coyotes, red fox, and gray fox may not be possessed after February 15. These animals may be held for no longer than seventy-two (72) hours after capture, except when confined in facilities and cared for as specified in 3 CSR 10-9.220, and after approval by an agent of the department. Complete and current records of all transactions must be maintained showing the county of origin, the species, date captured, date of transfer, and name and permit number of the hound running area operator/dealer receiving each individual animal. These records shall be kept on forms provided by the department and submitted to an agent of the department by April 15. **Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org).** Records shall be made available for inspection by an authorized agent of the department at any reasonable time.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 23, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### **Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards**

#### **PROPOSED AMENDMENT**

**3 CSR 10-9.110 General Prohibition; Applications.** The commission proposes to amend subsection (1)(A), paragraph (3)(E)5., subsection (3)(F), and section (4).

*PURPOSE: This amendment adds the dusty hog-nosed snake, Kirtland's snake, and western fox snake to the list of species that*

Missourians may not take or possess alive without a permit; removes hellbenders from the list of native species that may be possessed; corrects formatting; corrects scientific names; and, clarifies the availability of forms.

(1) Possession of Native Species.

(A) A maximum of five (5) specimens of any native wildlife not listed in 3 CSR 10-4.110(4) or 3 CSR 10-9.240, except endangered species, bats, [hellbenders,] **dusty hog-nosed snake, Kirtland's snake, western fox snake**, and alligator snapping turtles, may be taken and possessed alive by a resident of Missouri without permit, but these animals shall not be bought or sold. Bones, skins, shells, and other parts of such wildlife may be possessed for personal use without permit, but these wildlife parts in any form shall not be bought or sold. Wildlife held under this subsection may not be transported (or shipped) from the state.

(3) Fish, tiger salamander larvae, and crayfish may be bought, sold, transported, propagated, taken, and possessed by any person without permit throughout the year in any number or size and by any method providing—

(E) That the privileges of this section apply only to the following:

1. Species listed in the Approved Aquatic Species List (including all subspecies, varieties, and hybrids of the same bought, sold, transported, propagated, taken, and possessed for purposes of aquaculture, but excluding transgenic forms).

2. Species frozen or processed for sale as food products.

3. Species incapable of surviving in fresh water.

4. Fish held only in aquaria, tanks, or other containers having water discharged only into septic systems or municipal waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources or that entirely recirculate all of the water so that none of it shall drain into a water body.

5. Species other than fish held only in aquaria, tanks, or other containers that have the following specifications: all containers including the drain pipe or stand pipe must be completely covered with an intact screen of a maximum mesh size of **one-sixteenth [1/16] inch (1/16")** square, and having water discharged only into septic systems or municipal waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources or that entirely recirculate all of the water so that none of it shall drain into a water body.

6. Species held only in a closed system from which the escape of live organisms (including eggs, parasites, and diseases) is not possible. The species to be held and the system to be used must receive prior written approval from the director.

(F) Approved Aquatic Species List.

1. Fishes.

A. Shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)

B. Paddlefish (*Polyodon spathula*)

C. Spotted gar (*Lepisosteus oculatus*)

D. Longnose gar (*Lepisosteus osseus*)

E. Shortnose gar (*Lepisosteus platostomus*)

F. Bowfin (*Amia calva*)

G. American eel (*Anguilla rostrata*)

H. Gizzard shad [*Dorosomacepedianum*] (***Dorosoma cepedianum***)

I. Threadfin shad (*Dorosoma petenense*)

J. Rainbow trout (*Oncorhynchus mykiss*)

K. Golden trout (*Oncorhynchus aquabonita*)

L. Cutthroat trout (*Oncorhynchus clarkii*)

M. Brown trout (*Salmo trutta*)

N. Brook trout (*Salvelinus fontinalis*)

O. Coho salmon (*Oncorhynchus kisutch*)

P. Northern pike (*Esox lucius*)

Q. Muskellunge (*Esox masquinongy*)

R. Goldfish (*Carassius auratus*)

S. Grass carp (*Ctenopharyngodon idella*)

T. Common carp (*Cyprinus carpio*)

U. Bighead carp (*Hypophthalmichthys nobilis*)

V. Golden shiner (*Notemigonus crysoleucas*)

W. Bluntnose minnow (*Pimephales notatus*)

X. Fathead minnow (*Pimephales promelas*)

Y. River carpsucker [*Cariodes carpio*] (***Cariodes carpio***)

Z. Quillback (*Cariodes cyprinus*)

AA. White sucker (*Catostomus commersoni*)

BB. Blue sucker (*Cycleptus elongatus*)

CC. Bigmouth buffalo (*Ictiobus cyprinellus*)

DD. Black bullhead (*Ameiurus melas*)

EE. Yellow bullhead (*Ameiurus natalis*)

FF. Brown bullhead (*Ameiurus nebulosus*)

GG. Blue catfish (*Ictalurus furcatus*)

HH. Channel catfish (*Ictalurus punctatus*)

II. Flathead catfish (*Pylodictis olivaris*)

JJ. Mosquitofish (*Gambusia affinis*)

KK. White bass (*Morone chrysops*)

LL. Striped bass (*Morone saxatilis*)

MM. Green sunfish (*Lepomis cyanellus*)

NN. Pumpkinseed (*Lepomis gibbosus*)

OO. Warmouth (*Lepomis gulosus*)

PP. Orangespotted sunfish (*Lepomis humilis*)

QQ. Bluegill (*Lepomis macrochirus*)

RR. Longear sunfish (*Lepomis megalotis*)

SS. Redear sunfish (*Lepomis microlophus*)

TT. Smallmouth bass (*Micropterus dolomieu*)

UU. Spotted bass (*Micropterus punctulatus*)

VV. Largemouth bass (*Micropterus salmoides*)

WW. White crappie (*Pomoxis annularis*)

XX. Black crappie (*Pomoxis nigromaculatus*)

YY. Yellow perch (*Perca flavescens*)

ZZ. Sauger (*Sander canadensis*)

AAA. Walleye (*Sander vitreus*)

BBB. Freshwater drum (*Aplodinotus grunniens*)

2. Crustaceans.

A. Freshwater prawn (*Macrobrachium rosenbergii*)

B. Pacific white shrimp (*Litopenaeus vannamei*)

C. Northern crayfish (*Orconectes virilis*)

D. White river crayfish [*(Procamarus acutus)*]  
(***Procambarus acutus***)

E. Red swamp crayfish [*(Procam barusclarkii)*]  
(***Procambarus clarkii***)

F. Papershell crayfish (*Orconectes immunis*)

3. Amphibians.

A. Tiger salamander larvae (*Ambystoma tigrinum*)

(4) Live fish, their eggs and gametes of the family *Salmonidae* (trouts, char, salmon) may be imported to the state only by the holder of a salmonid importation permit and any other appropriate state permit. An importation permit shall be required for each shipment and will be issued at no charge. Application/s/ **forms** for the salmonid importation permit **[are available from the department.] can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org).** The application for salmonid importation permit must be received not less than fifteen (15) nor more than eighty (80) days prior to the proposed date of shipment. Prior to permit issuance the immediate source of the importation must be currently certified as negative for viral hemorrhagic septicemia, infectious pancreatic necrosis, infectious hematopoietic necrosis, *Myxobolus cerebralis*, or other diseases which may threaten fish stocks within the state, must have been certified negative for the previous three (3) consecutive years, and must not pose a threat of introducing unwanted species. Certification will only be accepted from federal, state, or industry personnel approved by the department and only in accordance with provisions on the permit



application form. Fish, eggs, and gametes imported under this permit are subject to inspection by authorized agents of the department and this inspection may include removal of reasonable samples of fish or eggs for biological examination.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-4.110(5), (6), and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders.** The commission proposes to amend section (3).

**PURPOSE:** This amendment corrects a reference to section (12) which outlines wildlife breeder requirements.

(3) A permit may be granted after satisfactory evidence by the applicant that stock will be secured from a legal source other than the wild stock of this state and as provided in section [(11)](12) of this rule; that the applicant will confine the wildlife in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220; and that the applicant will prevent other wildlife of the state from becoming a part of the enterprise.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-10.755. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.359 Class I and Class II Wildlife Breeder: Records Required.** The commission proposes to amend provisions of this rule.

**PURPOSE:** This amendment clarifies availability of forms.

Each Class I and Class II wildlife breeder shall maintain a current record, by date, of all transactions showing the place of origin and the numbers and species of wildlife which were possessed, propagated, bought, sold, consigned, brokered, transported, shipped, given away, used, or which have died, on forms provided by the department. **Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org).** These records and applicable state and federal animal health records and permits for each animal shall be maintained on the premises of the wildlife breeder and shall be subject to inspection by an authorized agent of the department at any reasonable time.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-10.753. This version of rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.415 Wildlife Rehabilitation Permit.** The commission proposes to amend section (4) and remove the form that follows the rule in the *Code of State Regulations*.

**PURPOSE:** This amendment removes the *Wildlife Rehabilitation Report Form* from the *Code of State Regulations* and changes the word commission to department.

(4) Each permit holder shall maintain a current record, on forms furnished by the department, of each animal received, rehabilitated, destroyed, or released. **Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org).** These records shall be available for inspection by



an authorized agent of the [commission] department at any reasonable time.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.615. Original rule filed Aug. 1, 1980, effective Jan. 1, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.425 Wildlife Collector's Permit.** The commission proposes to amend subsection (1)(B).

*PURPOSE: This amendment corrects a permit title.*

(1) A permit to collect, possess, mount, or preserve wildlife for scientific related purposes:

(B) Wildlife Collector's Permit for Special Collections of Wildlife. Wildlife collector's permits may be issued to professionally qualified individuals who charge a fee for biological studies for specific projects where the potential results are of sufficient public value and interest to justify special collection of wildlife. Fee: fifty dollars (\$50).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.605. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.565 Licensed Hunting Preserve: Privileges.** The commission proposes to amend paragraph (1)(A)5.

*PURPOSE: This amendment establishes consistency for the age of hunter mentors.*

(1) Licensed hunting preserves are subject to inspection by an agent of the department at any reasonable time. Animal health standards and movement activities shall comply with all state and federal regulations. Any person holding a licensed hunting preserve permit may release on his/her licensed hunting preserve only legally obtained and captive-reared: pheasants, exotic partridges, quail, mallard ducks, and ungulates (hoofed animals) for shooting throughout the year, under the following conditions:

(A) Game Bird Hunting Preserve.

1. A game bird hunting preserve shall be a single body of land not less than one hundred sixty (160) acres and no more than six hundred forty (640) acres in size. Game bird hunting preserves may be dissected by public roads, and shall be posted with signs specified by the department.

2. Only legally obtained and captive-reared: pheasants, exotic partridges, quail, and mallard ducks may be used on game bird hunting preserves.

3. Permits for game bird hunting preserves will not be issued:

A. For areas within five (5) miles of any location where there is an ongoing department game bird release program or where the most recent release of department game birds has been made less than five (5) years prior to receipt of the application.

B. In any location where those activities are considered by the department as likely to further jeopardize any species currently designated by Missouri or federal regulations as threatened or endangered wildlife.

C. For preserves using captive-reared mallard ducks, within five (5) miles of the following areas:

- (I) Bob Brown Conservation Area
- (II) Clarence Cannon National Wildlife Refuge
- (III) Columbia Bottom Conservation Area
- (IV) Coon Island Conservation Area
- (V) Duck Creek Conservation Area
- (VI) Eagle Bluffs Conservation Area
- (VII) Fountain Grove Conservation Area
- (VIII) Four Rivers Conservation Area
- (IX) Grand Pass Conservation Area
- (X) B. K. Leach Memorial Conservation Area
- (XI) Marais Temps Clair Conservation Area
- (XII) Mingo National Wildlife Refuge
- (XIII) Montrose Conservation Area
- (XIV) Nodaway Valley Conservation Area
- (XV) Otter Slough Conservation Area
- (XVI) Schell-Osage Conservation Area
- (XVII) Settle's Ford Conservation Area
- (XVIII) Squaw Creek National Wildlife Refuge
- (XIX) Swan Lake National Wildlife Refuge
- (XX) Ted Shanks Conservation Area
- (XXI) Ten Mile Pond Conservation Area

4. Mallard ducks must be held in covered facilities that meet standards specified in 3 CSR 10-9.220, and may be possessed, released, and used on game bird hunting preserves only under the following conditions:

A. Mallard ducks may be taken, possessed, transported, and stored only as provided in this Code and federal regulations.

B. Mallard ducks must be physically marked prior to six (6) weeks of age by removal of the hind toe from the right foot, or by tattooing of a readily discernible number or letter or combination thereof on the web of one (1) foot.

C. Mallard ducks may be temporarily released for the sole purpose of flight training beginning one (1) hour after sunrise each day. Covered facilities must be designed to re-capture such ducks,

and a reasonable effort must be made to re-capture them by one (1) hour after sunset each day.

D. Mallard ducks may be released and taken only from September 1 through February 15 by hunting methods from one (1) hour after sunrise to one (1) hour before sunset, and only non-toxic shot may be used. Covered facilities must be designed and managed to re-capture any unharvested mallard ducks, and a reasonable effort must be made to re-capture ducks by one (1) hour after sunset each day.

E. Ducks which are not captive-reared may not be hunted on preserves using captive-reared mallard ducks, and all waterfowl except captive-reared mallard ducks must be flushed from the immediate hunting area prior to hunting activity.

5. Any person taking or hunting game birds on a licensed hunting preserve shall have in his/her possession a valid small game hunting permit or licensed hunting preserve hunting permit, except that persons fifteen (15) years of age or younger, when accompanied by a properly licensed adult hunter, and residents sixty-five (65) years of age and older, may hunt without permit. Licensed hunting preserve hunting permits may be issued to persons without requiring display of a hunter education certificate card for use on game bird hunting preserves; provided s/he is hunting in the immediate presence of a properly licensed adult hunter **age eighteen (18) or older** who has in his/her possession a valid hunter education certificate card **or was born before January 1, 1967**.

6. Game birds, other than captive-reared mallard ducks, may be taken in any number on a hunting preserve and may be possessed and transported from the preserve only when accompanied by a receipt listing the date, number, and species taken, and name of the hunting preserve; or when accompanied by an approved transportation sticker for each game bird taken. Transportation stickers must be purchased from the department by the hunting preserve permit holder.

7. Captive-reared mallard ducks may be taken in any number on a hunting preserve and may be possessed and transported from the preserve only when accompanied by a receipt listing the date, number, and species taken, and the hunting preserve permit holder's name and address. In addition, the marked foot must remain attached to mallard ducks.

8. The hunting preserve permit holder may exercise privileges provided in 3 CSR 10-9.353 for game birds held under this permit in propagation or holding facilities within or directly adjacent to the game bird hunting preserve. Propagation or holding facilities may be separated from the hunting preserve by a public road, but must be directly adjacent. Any such propagation or holding facilities shall meet standards specified in 3 CSR 10-9.220. Other propagation or holding facilities not contained within or directly adjacent to the hunting preserve are not covered under the privileges of this rule.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-10.765. Original rule filed Jan. 19, 1972, effective Feb. 1, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.566 Licensed Hunting Preserve: Records Required.**  
The commission proposes to amend section (1).

*PURPOSE: This amendment clarifies availability of forms.*

(1) Big game hunting preserve permittees shall keep a permanent record, by date, of the number of each species held, acquired, propagated, sold, released, the number of each species taken on the preserve, and the full name, address, and permit number (if applicable) of each buyer, seller, shooter, and/or taker, on forms provided by the department. **Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org).**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Emergency rule filed March 11, 2002, effective March 21, 2002, expired Sept. 16, 2002. Original rule filed March 11, 2002, effective July 30, 2002. Amended: Filed Aug. 30, 2002, effective March 1, 2003. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.575 Hound Running Area: Privileges, Requirements.**  
The commission proposes to amend section (7).

*PURPOSE: This amendment clarifies availability of forms.*

(7) The hound running area operator/dealer shall keep an accurate permanent record on forms provided by the department of the supplier's full name and address and number of each species held, captured, purchased, sold, propagated, released on the area, or otherwise disposed of. **Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org).** Ear tag numbers must also be recorded for each animal released into the area. These records are subject to inspection by an agent of the department at any reasonable time.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 29, 1994, effective July 1, 1995. For intervening history,*

*please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife:  
Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.628 Dog Training Area: Privileges.** The commission proposes to amend section (3) and delete the form which follows the rule in the *Code of State Regulations*.

*PURPOSE: This amendment removes the dog training area sign from the Wildlife Code. The sign will continue to be available to permit holders upon request from the department.*

(3) Dog training areas shall be a single tract of land not more than forty (40) acres in size and posted with signs~~/, which sign is included herein,~~ as specified or provided by the department. **These signs can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.** Multiple dog training area permits may be issued for a single tract of land.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.627. Original rule filed Aug. 30, 2002, effective March 1, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006, effective March 30, 2007. Amended: Filed March 19, 2007, effective April 1, 2007. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-10.711 Resident Fur Handlers Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Resident Fur Handlers Permit from ten dollars (\$10) to eleven dollars (\$11).*

To possess, process, transport, and ship legally taken pelts and carcasses of furbearers from February 16 through June 1. Possession of the appropriate resident hunting or trapping permit to take furbearers, or evidence of exemption, is required as a prerequisite to this permit. Pelts and carcasses of furbearers taken by others may not be possessed under this permit. Pelts sold by the permittee within Missouri to a fur dealer must be fleshed, stretched, and dried. Fee: ~~[ten]~~ **eleven** dollars ~~[( \$ 10 )]~~ **( \$ 11 )**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 13, 2005, effective March 30, 2006. Amended: Filed Sept. 27, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately one thousand two hundred seventy dollars (\$1,270) total in the five (5)-year aggregate. This information is based on 254 fur handler permit buyers × \$1.00 increase per permit sold = \$254 aggregate cost per year. \$254 per year × the assumed 5-year life of the regulation = \$1,270 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 10 Commercial Permits: Seasons, Methods, Limits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-10.711 Resident Fur Handlers Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
254 Fur Handler permit buyers	N/A	\$1,270

**III. WORKSHEET**

254 fur handler permit buyers X \$1.00 increase per permit sold = \$254 aggregate cost per year. \$254 per year X the assumed 5 year life of the regulation = \$1,270 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed--normally within five years--to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 10—Wildlife Code: Commercial Permits:**  
**Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-10.715 Resident and Nonresident Fur Dealers: Reports, Requirements.** The commission proposes to amend section (2) and delete the forms which follow the rule in the *Code of State Regulations*.

*PURPOSE:* This amendment removes the record keeping forms from this rule for simplification and to avoid out-dated forms from appearing as part of the Code.

(2) Each fur dealer shall submit annually a notarized report on forms furnished by the department[, which are included herein]. Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org). All fur dealers' reports shall include all transactions in furbearer pelts for the twelve (12) months preceding April 10 of the current year and an inventory of fur held in storage. Such reports shall be submitted by April 20.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 30, 1979, effective Jan. 1, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 10—Wildlife Code: Commercial Permits:**  
**Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-10.716 Resident Fur Handlers: Reports, Requirements.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment clarifies availability of forms.

All resident fur handlers shall keep accurate, up-to-date records of the number and species of all furbearers kept in possession beyond the normal possession periods established in 3 CSR 10-7.450 and 3 CSR 10-8.515, and the dates and destinations of all shipments of fur on a form provided by the department. Printed copies of this form can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org). These records and wildlife and/or

pelts shall be available for inspection by an authorized agent of the department at any reasonable time. All such records shall be submitted annually by June 10. Issuance of a permit after the first year shall be conditioned on compliance with this rule and receipt by the department of satisfactory reports for the preceding permit period.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 13, 2005, effective March 30, 2006. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 10—Wildlife Code: Commercial Permits:**  
**Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-10.722 Resident [Shovelnose Sturgeon] Roe Fish Commercial Harvest Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the name of the permit and adds paddlefish and bowfin as species that may only be taken by holders of this permit.

Required in addition to the Commercial Fishing Permit to take and possess shovelnose sturgeon from the Missouri River and bowfin, paddlefish, and shovelnose sturgeon from the Mississippi [r]River[s] in accordance with 3 CSR 10-10.725. Fee: Five hundred dollars (\$500).

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 30, 2003, effective July 1, 2004. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed May 23, 2006, effective Oct. 30, 2006. Amended: Filed Sept. 27, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 10, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-10.724 Nonresident Mississippi River [Shovelnose Sturgeon] Roe Fish Commercial Harvest Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the name of the permit, adds paddlefish and bowfin as species that may only be taken by holders of this permit, adds reciprocal permit privileges for properly-licensed Illinois commercial fishers, and increases the cost of the permit.*

Required for nonresidents of Missouri in addition to the Commercial Fishing Permit to take and possess **bowfin, paddlefish, and** shovelnose sturgeon from the Mississippi River in accordance with 3 CSR 10-10.725; except that any person properly licensed to harvest shovelnose sturgeon by the states of **Illinois or** Tennessee may fish within, and harvest shovelnose sturgeon from, the Missouri portion of the Mississippi River adjacent to *[Tennessee,]* **the state where the fisherman is licensed,** as permitted by this Code. Fee: *[Five hundred dollars (\$500)]* **Three thousand five hundred dollars (\$3,500).**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed May 23, 2006, effective June 15, 2006. Amended: Filed Sept. 27, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately seventeen thousand five hundred dollars (\$17,500) total in the five (5)-year aggregate. This information is based on one (1) permit sold  $\times$  \$3,500 each  $\times$  5 years = \$17,500 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 10 Commercial Permits: Seasons, Methods, Limits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-10.724 Nonresident Mississippi River Roe Fish  
Commercial Harvest Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Nonresident Mississippi Roe Fish Commercial Fishers	N/A	\$17,500

**III. WORKSHEET**

One permit sold X \$3500 each X 5 years = \$17,500 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is estimated based on expected demand.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 10—Wildlife Code: Commercial Permits:**  
**Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-10.725 Commercial Fishing: Seasons, Methods.** The commission proposes to amend subsections (1)(B) and (C).

*PURPOSE: This amendment corrects the names of commercial permits.*

(1) Commercial fish, and live bait for personal use, may be taken and possessed in any numbers by the holder of a commercial fishing permit from commercial waters with seines, gill nets, trammel nets, hoop nets with or without wings, trotlines, throwlines, limb lines, bank lines, or jug or block lines, and any number of hooks, except:

(B) On the Missouri River downstream from U.S. Highway 169 to Carl R. Noren Access and downstream from Chamois Access to its confluence with the Mississippi River, where shovelnose sturgeon twenty-four inches (24") to thirty inches (30") in length (measured from tip of snout to fork of tail) may be taken and possessed only from November 1 through May 15 and only by the holder of a Resident [*Shovelnose Sturgeon*] **Roe Fish** Commercial Harvest Permit. (Endangered species as listed in 3 CSR 10-4.111(3), including lake sturgeon and pallid sturgeon, may not be taken or possessed, and must be returned to the water unharmed immediately after being caught.)

(C) On portions of the Mississippi River defined as commercial waters where shovelnose sturgeon twenty-four inches (24") to thirty-two inches (32") in length (measured from tip of snout to fork of tail) may be taken and possessed only from October 15 through May 15 and only by holders of a Resident [*Shovelnose Sturgeon*] **Roe Fish** Commercial Harvest Permit or Nonresident Mississippi River [*Shovelnose Sturgeon*] **Roe Fish** Commercial Harvest Permit.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 10—Wildlife Code: Commercial Permits:**  
**Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-10.726 Reciprocal Privileges: Commercial Fishing and Musseling; Commercial Waters.** The commission proposes to amend section (6).

*PURPOSE: This amendment adds reciprocal fishing privileges for commercial fishers licensed to harvest shovelnose sturgeon by the state of Illinois.*

(6) Any person possessing a valid commercial permit or license to harvest shovelnose sturgeon issued by the states of **Illinois or Tennessee** may fish within, and harvest shovelnose sturgeon from, the Missouri portion of the Mississippi River adjacent to **[Tennessee] the state where the fisherman is licensed** without further license, as permitted by this Code.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed March 14, 1973, effective March 24, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 10—Wildlife Code: Commercial Permits:**  
**Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-10.727 Record Keeping and Reporting Required: Commercial Fishermen and Roe Fish Dealers.** The commission proposes to amend the title of the rule and sections (1) and (2) and delete the form which follows the rule in the *Code of State Regulations*.

*PURPOSE: This amendment changes the title of the rule, adds reference to the Roe Fish Dealers Permit, and removes the monthly reporting form for commercial fishermen from the Wildlife Code.*

(1) Commercial fishermen **and roe fish dealers** shall keep a dated receipt that includes the weight and species of fish, and the weight of extracted fish eggs (raw or processed) of each species, that were sold or given away and the name, address, and signature of the recipient. These receipts shall be retained for three (3) years and shall be made available for inspection by an authorized agent of the department at any reasonable time.

(2) Commercial fishermen **and roe fish dealers** shall submit a **complete and accurate** monthly report on a form furnished by the department, *which is included herein,* showing the origin (water area), weight, and species of fish and fish eggs taken **or purchased** by him/her during the preceding month, or a negative report if none were taken. **Printed copies of this report form can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouricon-servation.org](http://www.missouricon-servation.org).** Monthly reports must be received by the department within thirty (30) days of the end of each month. Failure to submit a monthly report shall be sufficient cause for the department to



revoke the current year's commercial fishing permit and deny renewal of the permit for the following year.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**PROPOSED RULE**

**3 CSR 10-10.728 Roe Fish Dealer Permit**

*PURPOSE: This rule establishes a permit needed to buy and subsequently sell shovelnose sturgeon, paddlefish, bowfin, or any parts of these species legally taken by commercial methods.*

To buy or possess for the purpose of selling, processing, transporting, or shipping legally-acquired bowfin, paddlefish, and shovelnose sturgeon or any parts of these species. While on waters of the state and adjacent banks, the head and tail must remain attached to all fish; bowfin and shovelnose sturgeon must remain whole and intact; and the ovaries of paddlefish must remain intact and accompany the fish from which they were removed. Commercial establishments that buy directly from a holder of a roe fish dealer permit and that sell directly to the general public are excluded from this permit requirement. Resident fee: Five hundred dollars (\$500). Nonresident fee: One thousand five hundred dollars (\$1,500).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 2008.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will cost private entities approximately fifteen thousand dollars (\$15,000) total in the five (5)-year aggregate. This information is based on 3 resident permits × \$500 each + 1 nonresident permit × \$1,500 each × 5 years = \$15,000 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 10 Commercial Permits: Seasons, Methods, Limits

Type of Rulemaking: Proposed rule

Rule Number and Name: **3 CSR 10-10.728 Roe Fish Dealer Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Roe Fish Dealers	N/A	\$15,000

**III. WORKSHEET**

3 resident permits X \$500 each + 1 nonresident permit X \$1500 each X 5 years = \$15,000 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is estimated based on expected demand.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-10.735 Sale of Live Bait.** The commission proposes to amend section (1).

*PURPOSE: This amendment clarifies availability of forms.*

(1) Any person, group, or business that sells live bait, as defined in 3 CSR 10-6.605, must register annually with the department as a live bait dealer. *[[Initial registration may occur at any time. Annual registration in successive years shall occur on or after January 1, but prior to March 1. Registration forms may be obtained by contacting the Department of Conservation or by visiting [www.mdc.mo.gov](http://www.mdc.mo.gov)]] can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org).*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-10.767 Taxidermy; Tanning: Permit, Privileges, Requirements.** The commission proposes to amend section (4).

*PURPOSE: This amendment clarifies availability of forms.*

(4) All licensed taxidermists and tanners shall keep accurate, up-to-date records of the number and species of all wildlife received, the full name and address of the consignor (or seller of furbearers), and the dates of all transactions and disposition of all wildlife on a form approved or provided by the department. **Printed copies of this form can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org).** These records and wildlife shall be available for inspection by an authorized agent of the department at any reasonable time. All completed records required by this rule shall be retained for three (3) years. Renewal of a permit shall be conditioned upon compliance with this rule.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening*

*history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-10.784 Mussel Dealers: Reports, Requirements.** The commission proposes to amend section (1) and delete the forms which follow the rule in the Code of State Regulations.

*PURPOSE: This amendment clarifies information on reporting forms and removes forms from appearing as part of the Code.*

(1) Each mussel dealer shall keep an up-to-date, accurate record of all mussels purchased, sold, consigned, or stored. Transactions shall be recorded immediately on forms provided by the department. **Printed copies of these record forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org).** All records shall be made available for inspection by an authorized agent of the department at any reasonable time, and shall be submitted to the department no later than fifteen (15) days following the last day of each month.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 28, 1992, effective Feb. 26, 1993. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-10.787 Reports Required: Commercial Musselers.** The commission proposes to amend provisions of this rule and delete the form that follows in the *Code of State Regulations*.

**PURPOSE:** *This amendment clarifies information on reporting forms and removes forms from appearing as part of the Code.*

All commercial musselers shall submit a monthly report during the mussel season on a form furnished by the department, showing the place of origin and the quantity and species of mussels taken by him/her during the preceding month, or a negative report if none were taken. **Printed copies of this report form can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org).** Renewal of a permit for the following year shall be conditioned on receipt by the department of satisfactory monthly reports by September 15.

**AUTHORITY:** *sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 21, 1993, effective Jan. 1, 1994. Amended: Filed Oct. 10, 2008.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### **Title 3—DEPARTMENT OF CONSERVATION**

#### **Division 10—Conservation Commission**

#### **Chapter 11—Wildlife Code: Special Regulations for Department Areas**

#### **PROPOSED AMENDMENT**

**3 CSR 10-11.110 General Provisions.** The commission proposes to amend section (1).

**PURPOSE:** *This amendment adds geocaching and letterboxing to the list of activities allowed on conservation areas by Special Use Permit.*

(1) The following activities are allowed on department areas only where and as authorized by this chapter or by signs and area brochures or by a special use permit issued by the area manager: swimming, sailboarding, sailboating, skateboarding, boating, entry on areas closed to public use, bicycling, camping, shooting, hunting, fishing, trapping, removal of water, commercial use, vending, fires outside of designated camping areas, rock collecting, digging and other soil disturbance, field trials, horseback riding, ranging of horses and other livestock, possession of pets and hunting dogs, caving, rock climbing, rappelling, paint-balling, scuba diving, water skiing, **geocaching and letterboxing**, the use and possession of vehicles and aircraft, the use of decoys, and the use or construction of blinds and tree stands.

**AUTHORITY:** *sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective Oct.*

*30, 2002. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 10, 2008.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### **Title 3—DEPARTMENT OF CONSERVATION**

#### **Division 10—Conservation Commission**

#### **Chapter 11—Wildlife Code: Special Regulations for Department Areas**

#### **PROPOSED AMENDMENT**

**3 CSR 10-11.115 Closings.** The commission proposes to amend subsections (3)(A), (B), (F), (H), (J), and (M) and reletter subsequent subsections of this rule.

**PURPOSE:** *This amendment establishes hours of operation for the Louis H. Bangert Memorial Wildlife Area as consistent with those for St. Charles County Parks, and lists conservation areas in a more consistent manner.*

(3) Department lands associated with offices, education centers, nature centers, hatcheries, staffed shooting ranges, and the following conservation areas are open to public use only as authorized by posting:

- (A) Louis H. Bangert Memorial Wildlife Area**  
[[A]](B) August G. Beckemeier [[August G.]] Conservation Area
- [[B]](C) Bellefontaine Conservation Area
- [[C]](D) Blind Pony Lake Conservation Area
- [[D]](E) Columbia Bottom Conservation Area
- [[E]](F) Jean and Joan Goodson [[Jean and Joan]] Conservation Area
- [[F]](G) Gravois Creek Conservation Area
- [[G]](H) Ronald and Maude Hartell [[Ronald and Maude]] Conservation Area
- [[H]](I) Hickory Woods Conservation Area
- [[I]](J) Roger Klamberg [[Roger]] Woods Conservation Area
- [[J]](K) Little Dixie Lake Conservation Area
- [[K]](L) Phantom Forest Conservation Area
- [[L]](M) James A. Reed [[James A.]] Memorial Wildlife Area
- [[M]](N) Rockwoods Range
- [[N]](O) Rockwoods Reservation
- [[O]](P) Wild Cherry Ridge Conservation Area

**AUTHORITY:** *sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Oct. 1, 2001, effective Oct. 15, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed April 20, 2005, effective Sept. 30, 2005. Amended: Filed Sept. 27, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.140 Camping.** The commission proposes to delete paragraph (1)(B)14. and renumber subsequent paragraphs.

*PURPOSE: This amendment removes Overton Bottoms Conservation Area from the list of conservation areas where camping is allowed.*

(1) Camping is permitted only within areas designated by signs or brochures or as provided in subsection (1)(B) of this rule. Stays are limited to a period of fourteen (14) consecutive days in any thirty (30)-day period, with the period to commence the date the site is occupied or camping within any given department area first occurs. Personal property must be removed at the end of the fourteen (14)-day period. Total camping days on all department lands are limited to thirty (30) days within one (1) calendar year. Camping requests in excess of thirty (30) days within a calendar year may be granted with a special use permit. On those areas with established campsites, only two (2) camping or sleeping units are permitted in each site. Quiet hours are effective from 10:00 p.m. to 6:00 a.m. daily. Visitors who are not occupying a campsite are required to leave the campground by 10:00 p.m. Quiet hours are defined as the cessation of excessive noise from people or any mechanical device which causes disturbance to other campers. Camping fees are required at some areas. Groups of more than ten (10) people must obtain a special use permit prior to camping.

(B) Persons traveling the Missouri River by boat may camp on any suitable site within one hundred (100) yards of the river and moor overnight adjacent to camp but outside the navigation channel between April 1 and September 30 on the following conservation areas:

1. Bob Brown Conservation Area
2. Columbia Bottom Conservation Area
3. Cooley Lake Conservation Area
4. Deroin Bend Conservation Area
5. Diana Bend Conservation Area
6. Dupree Memorial Conservation Area
7. Eagle Bluffs Conservation Area
8. Grand Pass Conservation Area
9. Howell Island Conservation Area
10. Lower Hamburg Bend Conservation Area
11. Marion Bottoms Conservation Area
12. Monkey Mountain Conservation Area
13. Nishnabotna Conservation Area
- [14. Overton Bottoms (South) Conservation Area]*
- [15.]14. Pelican Island Natural Area*
- [16.]15. Plowboy Bend Conservation Area*
- [17.]16. Rush Bottoms Conservation Area*

- [18.]17. Saint Stanislaus Conservation Area*
- [19.]18. Smoky Waters Conservation Area*
- [20.]19. Tate Island Conservation Area*
- [21.]20. Thurnau Conservation Area*
- [22.]21. Weldon Spring Conservation Area*
- [23.]22. Wolf Creek Bend Conservation Area*
- [24.]23. Worthwine Island Conservation Area*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.150 Target Shooting and Shooting Ranges.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the word "unmanned" to "unstaffed" for better clarity.*

Target shooting is permitted on designated public shooting ranges or by special use permit. Shooting hours on *[unmanned]* **unstaffed** ranges are one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. Range use shall be in accordance with posted range rules or as directed by the range officer listed on the special use permit, and is contingent upon the right to inspect permits, firearms, and ammunition by an agent of the department or certified law enforcement officer. Only paper targets attached to provided target holders may be used on *[unmanned]* **unstaffed** target shooting ranges, except that on portions of shooting ranges restricted to shotguns with shotshells, only clay targets may be used. Use of incendiary, including tracer ammunition, armor piercing, or explosive ammunition is prohibited. Fully automatic firearms are permitted only with a special use permit. Range use fees are required at some areas. Possession of alcoholic beverages is prohibited on all ranges and associated parking lots. Groups of more than ten (10) people must obtain a special use permit prior to use of a range.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed June 5, 2002, effective Nov. 30, 2002. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Oct. 10, 2008.*

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.160 Use of Boats and Motors.** The commission proposes to amend section (1) and delete paragraph (1)(A)5.

**PURPOSE:** This amendment clarifies rental fees of department-owned boats and removes Overton Bottoms Conservation Area as the department no longer manages this area.

(1) Boats (including sailboats) may be used on lakes and ponds except as further restricted in this chapter. Boats may not be left unattended overnight. Houseboats, and personal watercraft as defined in section 306.010, RSMo, are prohibited. Float tubes may be used for authorized fishing and hunting activities. Registration and a fee [are] may be required for rental of department-owned boats. Fees must be paid prior to use.

(A) Except as provided below, only electric motors are permitted on lakes and ponds of less than seventy (70) acres. Electric motors and outboard motors are permitted on lakes of seventy (70) or more acres and on certain areas in conjunction with waterfowl hunting, except as otherwise provided in paragraph (1)(A)2. of this rule. Outboard motors in excess of ten (10) horsepower must be operated at slow, no-wake speed, except as otherwise provided in paragraph (1)(A)3. of this rule.

1. On August A. Busch Memorial Conservation Area, Blind Pony Lake Conservation Area, Hunnewell Lake Conservation Area, Lake Paho Conservation Area, and James A. Reed Memorial Wildlife Area, only department-owned boats may be used and only electric motors are permitted.

2. On Robert G. DeLaney Lake Conservation Area, only electric motors are permitted.

3. On Thomas Hill Reservoir, houseboats are prohibited at all times, and all boating is prohibited on the main arm of the lake above Highway T from October 15 through January 15. No other restrictions in this section apply to this area.

4. On Bellefontaine Conservation Area, boats are prohibited.

[5. Outboard motors of any size may be used on Overton Bottoms Conservation Area, but must be operated at slow, no-wake speed.]

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.165 Bullfrogs and Green Frogs.** The commission proposes to amend section (1).

**PURPOSE:** This amendment adds *atlatl* as a method permitted for taking frogs on department areas.

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, *atlatl*, gig, bow, snagging, snaring, grabbing, or pole and line, only on waters and within dates and hours those waters are open to fishing, except as further restricted in this chapter. Firearms may not be used to take bullfrogs and green frogs.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Sept. 28, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.180 Hunting, General Provisions and Seasons.** The commission proposes to amend sections (4), (5), (8), (14), (16), (19), (27), remove section (21), add new sections (28) and (29), and renumber accordingly.

**PURPOSE:** This amendment changes hunting provisions on various conservation areas to accommodate better management options and establishes consistency for the age of hunter mentors.

(4) Hunting is prohibited on the following department areas except for deer hunting as authorized in the annual *Fall Deer and Turkey Hunting Regulations and Information* booklet:

**(G) August G. Beckemeier Conservation Area**

*[(G)](H)* Bellefontaine Conservation Area  
*[(H)](I)* Bicentennial Conservation Area  
*[(I)](J)* Binder Community Lake  
*[(J)](K)* Bird's Blue Hole  
*[(K)](L)* Bittern Bottoms Conservation Area  
*[(L)](M)* Robert L. Blattner Conservation Area  
*[(M)](N)* Lois Arlene Boesl Outdoor Educational Area  
*[(N)](O)* Bolivar Forestry Office  
*[(O)](P)* Marguerite Bray Conservation Area  
*[(P)](Q)* Brookfield Maintenance Center  
*[(Q)](R)* Buffalo Radio Facility  
*[(R)](S)* Caldwell Memorial Wildlife Area  
*[(S)](T)* Camdenton Conservation Service Center  
*[(T)](U)* Cape Girardeau Conservation Campus Nature Center  
*[(U)](V)* Caruthersville Rookery Conservation Area  
*[(V)](W)* Clearwater District Headquarters  
*[(W)](X)* Climax Springs Towersite  
*[(X)](Y)* Clinton Office  
*[(Y)](Z)* Conservation Commission Headquarters  
*[(Z)](AA)* Robert G. DeLaney Lake Conservation Area  
*[(AA)](BB)* Doniphan Towersite  
*[(BB)](CC)* Drovers Prairie Conservation Area  
*[(CC)](DD)* Engelmann Woods Natural Area  
*[(DD)](EE)* Eugene Towersite  
**(FF) Forest 44 Conservation Area**  
*[(EE)](GG)* Foxglove Conservation Area  
*[(FF)](HH)* Friendly Prairie Conservation Area  
*[(GG)](II)* Gay Feather Prairie Conservation Area  
**(JJ) Goodson (Bittersweet Woods) Conservation Area**  
*[(HH)](KK)* Grandpa Chipley's Conservation Area  
**(LL) Gravois Creek Conservation Area**  
*[(II)](MM)* Gravois Mills Access  
*[(JJ)](NN)* Great Spirit Cave Conservation Area  
*[(KK)](OO)* Grundy Memorial Wildlife Area  
*[(LL)](PP)* Ronald and Maude Hartell Conservation Area  
*[(MM)](QQ)* James R. Harter Conservation Area  
*[(NN)](RR)* Ruth and Paul Henning Conservation Area  
*[(OO)](SS)* Hickory Canyons Natural Area  
**(TT) Hickory Woods Conservation Area**  
*[(PP)](UU)* Houston Forestry Office  
*[(QQ)](VV)* Hurley Radio Facility  
*[(RR)](WW)* Hurricane Deck Towersite  
*[(SS)](XX)* Jefferson City Radio Facility  
*[(TT)](YY)* Joplin Towersite  
*[(UU)](ZZ)* Juden Creek Conservation Area  
**(AAA) Roger Klamberg Woods Conservation Area**  
*[(VV)](BBB)* LaPetite Gemme Prairie Conservation Area  
*[(WW)](CCC)* Lebanon Forestry Office  
*[(XX)](DDD)* Lebanon Towersite  
*[(YY)](EEE)* Lenox Towersite  
*[(ZZ)](FFF)* Lichen Glade Conservation Area  
*[(AAA)](GGG)* Limpp Community Lake  
*[(BBB)](HHH)* Lipton Conservation Area  
*[(CCC)](III)* Little Osage Prairie  
*[(DDD)](JJJ)* Lower Taum Sauk Lake  
*[(EEE)](KKK)* Malta Bend Community Lake  
*[(FFF)](LLL)* Mansfield Shop  
*[(GGG)](MMM)* Maple Flats Access  
*[(HHH)](NNN)* Maple Woods Natural Area  
*[(III)](OOO)* Miller Community Lake  
*[(JJJ)](PPP)* Mint Spring Conservation Area  
*[(KKK)](QQQ)* Mount Vernon Prairie  
*[(LLL)](RRR)* Neosho District Headquarters  
*[(MMM)](SSS)* New Madrid Forestry Office

*[(NNN)](TTT)* Niawathe Prairie Conservation Area  
*[(OOO)](UUU)* Northeast Regional Office  
*[(PPP)](VVV)* Northwest Regional Office  
*[(QQQ)](WWW)* Onyx Cave Conservation Area  
*[(RRR)](XXX)* Ozark Regional Office  
*[(SSS)](YYY)* Parma Woods Range and Training Center (south portion)  
*[(TTT)](ZZZ)* Pawhuska Prairie  
*[(UUU)](AAAA)* Pelican Island Natural Area  
*[(VVV)](BBBB)* Perry County Community Lake  
*[(WWW)](CCCC)* Perryville District Headquarters  
**(DDDD) Phantom Forest Conservation Area**  
*[(XXX)](EEEE)* Pickle Springs Natural Area  
*[(YYY)](FFFF)* Pilot Knob Towersite  
*[(ZZZ)](GGGG)* Plad Towersite  
*[(AAAA)](HHHH)* Port Hudson Lake Conservation Area  
*[(BBBB)](IIII)* Powder Valley Conservation Nature Center  
*[(CCCC)](JJJJ)* Ray County Community Lake  
*[(DDDD)](KKKK)* Resource Science Center  
*[(EEEE)](LLLL)* Rocheport Cave Conservation Area  
**(MMMM) Rockwoods Range**  
*[(FFFF)](NNNN)* Rockwoods Reservation  
*[(GGGG) Rockwoods Towersite]*  
*[(HHHH)](OOOO)* Rolla Public Contact Office  
*[(IIII)](PPPP)* Runge Conservation Nature Center  
*[(JJJJ)](QQQQ)* Rush Creek Conservation Area  
*[(KKKK)](RRRR)* Ryden Cave Conservation Area  
*[(LLLL)](SSSS)* Saeger Woods Conservation Area  
*[(MMMM)](TTTT)* Salem Maintenance Center  
*[(NNNN)](UUUU)* F. O. and Leda J. Sears Memorial Wildlife Area  
*[(OOOO)](VVVV)* Sedalia Conservation Service Center  
*[(PPPP)](WWWW)* Shawnee Mac Lakes Conservation Area  
*[(QQQQ)](XXXX)* Shepherd of the Hills Fish Hatchery  
*[(RRRR)](YYYY)* Sims Valley Community Lake  
*[(SSSS)](ZZZZ)* Southeast Regional Office  
*[(TTTT)](AAAAA)* Southwest Regional Office  
*[(UUUU)](BBBBB)* Springfield Conservation Nature Center  
*[(VVVV)](CCCCC)* Julian Steyermark Woods Conservation Area  
*[(WWWW)](DDDDD)* Sullivan Office  
**(EEEE) Tezsars Woods Conservation Area**  
*[(XXXX)](FFFFF)* Thirtyfour Corner Blue Hole  
**(GGGG) Robert H. Thompson Conservation Area**  
*[(YYYY)](HHHHH)* Tower Rock Natural Area  
*[(ZZZZ)](IIIII)* Twin Borrow Pits Conservation Area  
*[(AAAAA)](JJJJJ)* Twin Pines Conservation Education Center  
*[(BBBBB)](KKKKK)* Tywappity Community Lake  
*[(CCCCC)](LLLLL)* Ulman Towersite  
*[(DDDDD)](MMMMM)* Upper Mississippi Conservation Area (Clarksville Refuge)  
*[(EEEE)](NNNNN)* Vandalia Community Lake  
*[(FFFF)](OOOOO)* Wah-Kon-Tah Prairie (portion south of Highway 82)  
*[(GGGGG)](PPPPP)* Wah-Sha-She Prairie  
*[(HHHHH)](QQQQQ)* Walnut Woods Conservation Area  
*[(IIIII)](RRRRR)* Warrenton Office  
*[(JJJJJ)](SSSSS)* White Aloe Creek Conservation Area  
*[(KKKKK)](TTTTT)* Wildcat Glade Natural Area  
**(UUUUU) Wild Cherry Ridge Conservation Area**  
*[(LLLLL)](VVVVV)* Walter Woods Conservation Area  
*[(MMMMM)](WWWWW)* Mark Youngdahl Urban Conservation Area

(5) Firearms firing single projectiles are prohibited on the following department areas except for deer hunting as authorized in the annual *Fall Deer and Turkey Hunting Regulations and Information* Booklet:

**(C) Black Island Conservation Area (Wolf Bayou Unit of)**  
*[(C)](D)* Bois D'Arc Conservation Area  
*[(D)](E)* Branch Towersite

[(E)](F) Brickley Hollow Access  
 [(F)](G) Gerhild and Graham Brown Memorial Wildlife Area  
 [(G)](H) Catawissa Conservation Area  
 [(H)](I) Charity Access  
 [(I)](J) Columbia Bottom Conservation Area  
 [(J) Crooked Creek Conservation Area]  
 [(EEE) Wolf Bayou Conservation Area]  
 [(FFF)](EEE) Young Conservation Area

(8) Use or possession of lead shot is prohibited for hunting on the following department areas:

(A) Black Island Conservation Area (**Stephen C. Bradford Unit of**)

(14) On August A. Busch Memorial Conservation Area:

(E) *[Furbearers may only be hunted from 6:00 p.m. to 6:00 a.m. from December 15 through the end of the prescribed furbearer season. Coyotes may be taken only by shotgun during daylight hours from the fourth Saturday in May through September 30 and from December 15 through March 31, except coyotes may be taken during managed deer hunts by participants possessing a valid Managed Deer Hunting Permit and the prescribed hunting permit.] Furbearers treed with the aid of dogs may be taken using any prescribed method during the prescribed furbearer season, except that:*

1. Coyotes may be taken only by shotgun from one-half hour before sunrise to one-half hour after sunset from the fourth Saturday in May through September 30 and from December 15 through March 31.

2. Furbearers other than coyotes not treed with the aid of dogs may be taken only by shotgun from December 15 through the end of the prescribed furbearer season.

3. All furbearers may be taken during managed deer hunts that coincide with the prescribed furbearer season using methods allowed for deer by participants holding a valid managed deer hunting permit and the prescribed permit for taking furbearers.

*[(G) Quail hunting is permitted only during managed quail hunts.]*

(16) On Bois D'Arc Conservation Area and White River Trace Conservation Area, *[quail and] dove hunting [are]* is permitted only until 1:00 p.m. daily. During the first seven (7) days of dove season, doves may be taken in assigned areas only by holders of a valid area daily hunting permit. *[Quail may be taken only by holders of a valid area daily hunting permit until the area is posted closed based on harvest surveys.]*

(19) On Marais Temps Clair Conservation Area:

(B) *[Quail, r/Rabbit, pheasant, woodcock, squirrel, groundhog, furbearer, turkey, and crow hunting is prohibited.*

*[(21) Quail hunting is permitted only until 1:00 p.m. daily from November 1 through December 15 on the following department areas:*

(A) Capps Creek Conservation Area  
 (B) Reform Conservation Area  
 (C) Dr. O. E. and Eloise Sloan Conservation Area  
 (D) Robert E. Talbot Conservation Area  
 (E) Whetstone Creek Conservation Area]

*[(22)](21) On Columbia Bottom Conservation Area and Saint Stanislaus Conservation Area, hunting is permitted only during managed hunts or by holders of a valid area daily hunting permit.*

*[(23)](22) On Lake Girardeau Conservation Area, hunting is permitted only from November 1 through April 1.*

*[(24)](23) On Settle's Ford Conservation Area, hunting of wildlife other than waterfowl is prohibited in designated waterfowl hunting areas from October 15 through the end of the prescribed Canada goose season.*

*[(25)](24) Hunting of wildlife other than waterfowl is prohibited, except in designated areas, from October 15 through the prescribed waterfowl season on the following department areas:*

(A) Bob Brown Conservation Area  
 (B) Columbia Bottom Conservation Area  
 (C) Coon Island Conservation Area  
 (D) Duck Creek Conservation Area  
 (E) Eagle Bluffs Conservation Area  
 (F) Fountain Grove Conservation Area  
 (G) Grand Pass Conservation Area  
 (H) Marais Temps Clair Conservation Area  
 (I) Montrose Conservation Area  
 (J) Nodaway Valley Conservation Area  
 (K) Otter Slough Conservation Area  
 (L) Schell-Osage Conservation Area  
 (M) Ted Shanks Conservation Area  
 (N) Ten Mile Pond Conservation Area

*[(26)](25) On the portion of Nodaway River bordered by the portion of Nodaway Valley Conservation Area which has been designated a waterfowl refuge, all hunting is prohibited from October 15 through the end of the prescribed waterfowl season.*

*[(27)](26) On Burr Oak Woods Conservation Area, spring turkey hunting is permitted only by persons under sixteen (16) years of age holding a Managed Turkey Hunting Permit in addition to the prescribed turkey hunting permit; provided, s/he is hunting in the immediate presence of a properly licensed adult hunter who is age eighteen (18) or older and who has in his/her possession a valid hunter education certificate card, or was born before January 1, 1967.*

*[(28)](27) On B. K. Leach Memorial Conservation Area, hunting of wildlife other than waterfowl is allowed during prescribed seasons, except that from October 15 through the end of the prescribed waterfowl season other wildlife may be hunted only by archery methods and only in designated areas.*

**(28) On Dan and Maureen Cover Prairie Conservation Area and Carrick W. Davidson – Robert G. Paris Wildlife Area, rabbits may not be chased, pursued, or taken during the prescribed quail hunting season.**

**(29) On Montrose Conservation Area, firearms firing single projectiles larger than .22 caliber rimfire are prohibited.**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED RULE**

**3 CSR 10-11.184 Quail Hunting**

*PURPOSE: This rule establishes provisions for quail hunting on department areas.*

(1) Quail hunting is permitted on department areas in accordance with statewide regulations except as further restricted in this rule.

(2) Quail may be taken only by holders of the prescribed hunting permit and a valid area daily hunting tag, and hunters must check out immediately after the close of their hunting trip on the following department areas:

- (A) Bunch Hollow Conservation Area
- (B) Crowleys Ridge Conservation Area
- (C) Davisdale Conservation Area
- (D) Maintz Wildlife Preserve
- (E) Emmett and Leah Seat Memorial Conservation Area

(3) Quail hunting is permitted only through December 15 on the following department areas:

- (A) Dr. O. E. and Eloise Sloan Conservation Area
- (B) Whetstone Creek Conservation Area

(4) Quail hunting is permitted only through December 15 by holders of the prescribed hunting permit and a valid area daily hunting tag, and hunters must check out immediately after the close of their hunting trip on the following department areas:

- (A) Bois D'Arc Conservation Area
- (B) Robert E. Talbot Conservation Area
- (C) White River Trace Conservation Area

(5) Quail hunting is permitted only by holders of the prescribed hunting permit who have been selected to participate in the area's managed quail hunts on the following department areas:

- (A) Dan and Maureen Cover Prairie Conservation Area
- (B) Carrick W. Davidson – Robert G. Paris Wildlife Area

(6) Quail hunting is prohibited on the following department areas:

- (A) August A. Busch Memorial Conservation Area
- (B) Columbia Bottom Conservation Area
- (C) Marais Temps Clair Conservation Area
- (D) James A. Reed Memorial Wildlife Area
- (E) Saint Stanislaus Conservation Area

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 2008.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.205 Fishing, Methods and Hours.** The commission proposes to amend subsection (1)(B).

*PURPOSE: This amendment adds the atlatl as a permitted method for taking carp, buffalo, suckers, and gar during statewide seasons in selected department areas or individually-named lakes.*

(1) On lakes and ponds, fish may be taken only with pole and line and not more than three (3) poles may be used by one (1) person at any time, except as otherwise provided in this chapter.

(B) Carp, buffalo, suckers, and gar may be taken by **atlatl**, gig, bow, or crossbow during statewide seasons on the following department areas or individually-named lakes:

- 1. Atlanta Conservation Area
- 2. Bismarck Conservation Area
- 3. Blackjack Access
- 4. Bob Brown Conservation Area
- 5. Columbia Bottom Conservation Area
- 6. Cooley Lake Conservation Area
- 7. Deer Ridge Conservation Area
- 8. Deroin Bend Conservation Area
- 9. Duck Creek Conservation Area
- 10. Eagle Bluffs Conservation Area
- 11. Femme Osage Slough (Weldon Spring Conservation Area)
- 12. Connor O. Fewel Conservation Area
- 13. Fountain Grove Conservation Area
- 14. Four Rivers Conservation Area (August A. Busch, Jr. Memorial Wetlands at)
- 15. Franklin Island Conservation Area
- 16. Grand Pass Conservation Area
- 17. Hunnewell Lake Conservation Area
- 18. King Lake Conservation Area
- 19. Kings Prairie Access
- 20. Lake Paho Conservation Area
- 21. Lamine River Conservation Area
- 22. B. K. Leach Memorial Conservation Area
- 23. Limpp Community Lake
- 24. Little Compton Lake Conservation Area
- 25. Locust Creek Conservation Area
- 26. Manito Lake Conservation Area
- 27. Marais Temps Clair Conservation Area
- 28. Nodaway County Community Lake
- 29. Nodaway Valley Conservation Area
- 30. Otter Lake (Otter Slough Conservation Area)
- 31. Peabody Conservation Area
- 32. Ralph and Martha Perry Memorial Conservation Area
- 33. Haysler A. Poague Conservation Area
- 34. Pony Express Lake Conservation Area
- 35. Rebel's Cove Conservation Area
- 36. Schell-Osage Conservation Area
- 37. Henry Sever Lake Conservation Area
- 38. Settle's Ford Conservation Area
- 39. Ted Shanks Conservation Area
- 40. H. F. Thurnau Conservation Area
- 41. Truman Reservoir Management Lands
- 42. Worth County Community Lake
- 43. Worthwine Island Conservation Area

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001,*

effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 11—Wildlife Code: Special Regulations for**  
**Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.210 Fishing, Daily and Possession Limits.** The commission proposes to add a new subsection (5)(C) and renumber subsequent subsections.

**PURPOSE:** This amendment establishes a daily limit of four (4) for white bass, striped bass, and their hybrids in the aggregate at Lake Paho Conservation Area.

(5) The daily limit for white bass, striped bass, and their hybrids in the aggregate shall be four (4) on the following department areas or individually named lakes:

**(C) Lake Paho Conservation Area**

[(C)](D) Perry County Community Lake

[(D)](E) James A. Reed Memorial Wildlife Area

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 11—Wildlife Code: Special Regulations for**  
**Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.215 Fishing, Length Limits.** The commission proposes to delete paragraph (2)(B)11. and add a new subsection (3)(C) and renumber accordingly.

**PURPOSE:** This amendment removes the fifteen inch (15") minimum length limit on black bass at Deer Ridge Lake (Deer Ridge Conservation Area) and establishes a minimum length limit of twenty inches (20") for white bass, striped bass, and their hybrids at Lake Paho.

(2) On lakes and ponds, except as listed below, black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(B) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Amarugia Highlands Conservation Area
2. Apple Creek Conservation Area
3. Atkinson Lake (Schell-Osage Conservation Area)
4. Baltimore Bend Conservation Area
5. Bilby Ranch Lake Conservation Area
6. Binder Community Lake
7. Buffalo Bill Lake (Pony Express Lake Conservation Area)
8. August A. Busch Memorial Conservation Area (except Lakes 33 and 35)
9. Castor River Conservation Area
10. Che-Ru Lake (Fountain Grove Conservation Area)
11. Deer Ridge Lake (Deer Ridge Conservation Area)]
- 12./11. General Watkins Conservation Area
- 13./12. Hazel Hill Lake
- 14./13. Jamesport Community Lake
- 15./14. J. N. "Turkey" Kearn Memorial Wildlife Area
- 16./15. Limpp Community Lake
- 17./16. Lone Jack Lake Conservation Area
- 18./17. Maple Leaf Lake Conservation Area
- 19./18. Nodaway County Community Lake
- 20./19. Otter Slough Conservation Area
- 21./20. Perry County Community Lake
- 22./21. Pony Express Lake (Pony Express Lake Conservation Area)
- 23./22. Ray County Community Lake
- 24./23. James A. Reed Memorial Wildlife Area
- 25./24. Rinquelin Trail Community Lake
- 26./25. Schell Lake (Schell-Osage Conservation Area)
- 27./26. Ted Shanks Conservation Area
- 28./27. Tobacco Hills Lake (Guy B. Park Conservation Area)
- 29./28. Vandalia Community Lake
- 30./29. Weldon Spring Conservation Area
- 31./30. Worth County Community Lake

(3) White bass, striped bass, and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

**(C) Lake Paho Conservation Area**

[(C)](D) Perry County Community Lake

[(D)](E) James A. Reed Memorial Wildlife Area

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 12—Wildlife Code: Special Regulations for**  
**Areas Owned by Other Entities**

**PROPOSED AMENDMENT**

**3 CSR 10-12.110 Use of Boats and Motors.** The commission proposes to amend sections (2), (5), and (6).

*PURPOSE: This amendment prohibits boat use at a number of small St. Louis City and St. Louis County lakes; removes two (2) St. Charles County lakes from the rule; and allows the operation of outboard motor in excess of ten (10) horsepower at a slow, no-wake speed on La Plata City Lake.*

(2) Boats are prohibited on the following areas:

- (A) Ballwin (New Ballwin Park Lake, Vlasik Park Lake)**  
[(A)](B) Bridgeton (Kiwanis Lake)
- [(B)](C) California (Proctor Park Lake)
- [(C)](D) Cole County (Jaycee Park Lake)
- [(D)](E) Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods)
- [(E)](F) Confederate Memorial State Historic Site lakes
- [(F)](G) Dexter City Lake
- [(G)](H) Farmington (Giessing Lake, Hager Lake, [and] Thomas Lake)
- (I) Fenton (Preslar Lake, Upper Fabick Lake, Westside Lake)**
- (J) Ferguson (January-Wabash Park Lake)**  
[(H)](K) Jackson (Rotary Lake)
- [(I)](L) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Fleming Pond, Scherer Lake, Wyatt Lake)
- [(J)](M) James Foundation (Scioto Lake)
- [(K)](N) Jefferson City (McKay Park Lake)
- [(L)](O) Jennings (Koeneman Park Lake)
- [(M)](P) Kirksville (Spur Pond)
- (Q) Kirkwood (Walker Lake)**  
[(N)](R) Macon County (Fairgrounds Lake)
- [(O)](S) Mexico (Kiwanis Lake)
- [(P)](T) Mineral Area College (Quarry Pond)
- [(Q)](U) Mount Vernon (Williams Creek Park Lake)
- [(R)](V) Overland (Wild Acres Park Lake)
- [(S)](W) Potosi (Roger Bilderback Lake)
- [(T)](X) Rolla (Schuman Park Lake)
- [(U)](Y) St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)
- [(V)] St. Charles County (Henry's Pond, Quail Ridge Park Lake)
- (Z) St. Louis City (Benton Park Lake, Carondelet Park-Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park-North Lake, Willmore Park-South Lake)**  
[(W)](AA) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes #1, #2, and #3, Tilles Park Lake, Veterans Memorial Park Lake)
- [(X)](BB) Sedalia (Clover Dell Park Lake, Liberty Park Pond)

- [(Y)](CC) Taos (Taos Countryside Park Lake)
- [(Z)](DD) Tipton (Tipton Park Lake)
- [(AA)](EE) University of Missouri (South Farm R-1 Lake)
- [(BB)](FF) Watershed Committee of the Ozarks (Valley Water Mill Lake)

(5) Outboard motors not in excess of ten (10) horsepower may be used on the following areas:

- [(C) LaPlata City Lake]
- [(D)](C) Moberly (Rothwell Park Lake, Water Works Lake)
- [(E)](D) Springfield City Utilities (Lake Springfield)
- [(F)](E) Unionville (Lake Mahoney)
- [(G)](F) Wakonda State Park (Agate Lake and Wakonda Lake)

(6) Outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed on the following areas:

- (J) La Plata City Lake**  
[(J)](K) Macon City Lake
- [(K)](L) Marceline (Marceline City Lake, Old Marceline City Reservoir)
- [(L)](M) Mark Twain National Forest (Council Bluff Lake, Palmer Lake)
- [(M)](N) Maysville (Willow Brook Lake)
- [(N)](O) Memphis (Lake Showme)
- [(O)](P) Milan (Elmwood Lake)
- [(P)](Q) Monroe City (Route J Reservoir)
- [(Q)](R) Watkins Woolen Mill State Park and Historic Site (Williams Creek Lake)

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 12—Wildlife Code: Special Regulations for**  
**Areas Owned by Other Entities**

**PROPOSED AMENDMENT**

**3 CSR 10-12.115 Bullfrogs and Green Frogs.** The commission proposes to amend section (1) and subsections (1)(A) and (B).

*PURPOSE: This amendment adds atlatl as a method permitted for taking frogs at areas under management agreement with the department; prohibits the use of bows for taking frogs on Moberly (Beuth Park Lake); establishes regulations for harvesting bullfrogs and green frogs on Preslar, Upper Fabick, and Westside lakes (City of Fenton); establishes pole and line as the methods permitted for harvesting frogs at St. Louis City and St. Louis County CAP lakes; and removes St. Charles County (Henry's Pond, Quail Ridge Park Lake) from the rule.*

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, **atlatl**, gig, bow, snagging, snaring, grabbing, or pole and line except as further restricted by this chapter.

(A) Bows may not be used to take frogs on the following areas:

1. Blue Springs (Lake Remembrance)
2. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, A. Perry Phillips Park Lake, Stephens Lake, Twin Lake)
3. Farmington (Giessing Lake, Hager Lake, *[and]* Thomas Lake)
4. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
5. James Foundation (Scioto Lake)
6. Mark Twain National Forest (department managed portions)
7. Mexico (Lakeview Lake, Kiwanis Lake)
8. Moberly (**Beuth Park Lake**, Rothwell Park Lake, Water Works Lake)
9. Odessa (Lake Venita)

(B) Only pole and line may be used to take frogs on the following areas:

1. **Ballwin (New Ballwin Park Lake, Vlasik Park Lake)**
- [1.]2.* Bridgeton (Kiwanis Lake)
- [2.]3.* Butler City Lake
4. **Fenton (Preslar Lake, Upper Fabick Lake, Westside Lake)**
5. **Ferguson (January-Wabash Park Lake)**
- [3.]6.* Jennings (Koenenman Park Lake)
- [4.]7.* Kirksville (Spur Pond)
- [5.]8.* Kirkwood (Walker Lake)
- [6.]9.* Macon County (Fairground Lake)
- [7.]10.* Mineral Area College (Quarry Pond)
- [8.]11.* Overland (Wild Acres Park Lake)
- [9.]12.* Potosi (Roger Bilderback Lake)
- [10.]13.* St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)
- [11.] St. Charles County (Henry's Pond, Quail Ridge Park Lake)]*
14. **St. Louis City (Benton Park Lake, Carondelet Park-Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park-North Lake, Willmore Park-South Lake)**
- [12.]15.* St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, **Queen Park Lake**, Simpson Lake, Spanish Lake, Sunfish Lake, **Suson Park Lakes #1, #2, and #3, Tilles Park Lake, Veterans Memorial Park Lake)**
- [13.]16.* Sedalia (Clover Dell Park Lake, Liberty Park Pond)
- [14.]17.* Sedalia Water Department (Spring Fork Lake)
- [15.]18.* Warrensburg (Lion's Lake)
- [16.]19.* Watershed Committee of the Ozarks (Valley Water Mill Lake)
- [17.]20.* Wentzville (Community Club Lake)
- [18.]21.* Windsor (Farrington Park Lake)

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David

W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 12—Wildlife Code: Special Regulations for Areas Owned by Other Entities

#### PROPOSED AMENDMENT

**3 CSR 10-12.125 Hunting and Trapping.** The commission proposes to add a new paragraph (1)(B)10., delete paragraph (1)(B)28., and renumber accordingly.

**PURPOSE:** This amendment adds Fenton (Preslar Lake, Upper Fabick Lake, Westside Lake) and removes St. Charles County (Henry's Pond, Quail Ridge Park Lake) from the list of areas where hunting is prohibited.

(1) Hunting, under statewide permits, seasons, methods, and limits, is permitted except as further restricted in this chapter and except for deer hunting as authorized in the current *Fall Deer & Turkey Hunting Regulations and Information* booklet, published annually in August. This publication is incorporated by reference. A copy of this booklet can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. It is also available online at [www.missouriconservation.org](http://www.missouriconservation.org). This rule does not incorporate any subsequent amendment or additions.

(B) Hunting is prohibited on the following areas:

1. Thomas S. Baskett Wildlife Research and Education Center
2. Bethany (Old Bethany City Reservoir)
3. Bridgeton (Kiwanis Lake)
4. Buchanan County (Gasper Landing)
5. California (Proctor Park Lake)
6. Carthage (Kellogg Lake)
7. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lake)
8. Dexter City Lake
9. Farmington (Giessing Lake, Hager Lake, *[and]* Thomas Lake)
10. **Fenton (Preslar Lake, Upper Fabick Lake, Westside Lake)**
- [10.]11.* Hamilton City Lake
- [11.]12.* Harrisonville (North Lake)
- [12.]13.* Jackson (Rotary Lake)
- [13.]14.* Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Fleming Pond, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
- [14.]15.* James Foundation (Scioto Lake)
- [15.]16.* Jamesport City Lake
- [16.]17.* Kirksville (Spur Pond)
- [17.]18.* Lawson City Lake
- [18.]19.* Macon County (Fairground Lake)
- [19.]20.* Mexico (Lakeview Lake, Kiwanis Lake)
- [20.]21.* Mineral Area College (Quarry Pond)
- [21.]22.* Moberly (Rothwell Park Lake, Water Works Lake)
- [22.]23.* Mount Vernon (Williams Creek Park Lake)
- [23.]24.* Odessa (Lake Venita)
- [24.]25.* Overland (Wild Acres Park Lake)
- [25.]26.* Potosi (Roger Bilderback Lake)
- [26.]27.* Rolla (Schuman Park Lake)
- [27.]28.* St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)
- [28.] St. Charles County (Henry's Pond, Quail Ridge Park Lake)]*

29. St. Louis County (Bee Tree Lake, Creve Coeur Lake, Simpson Lake, Spanish Lake, Sunfish Lake)
30. Savannah City Lake
31. Sedalia (Clover Dell Park Lake)
32. Sedalia Water Department (Spring Fork Lake)
33. Springfield City Utilities (Lake Springfield)
34. Warrensburg (Lion's Lake)
35. Watershed Committee of the Ozarks (Valley Water Mill Lake)
36. Windsor (Farrington Park Lake)

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

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**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 12—Wildlife Code: Special Regulations for  
Areas Owned by Other Entities**

**PROPOSED AMENDMENT**

**3 CSR 10-12.135 Fishing, Methods.** The commission proposes to add a new subsection (3)(C) and renumber subsequent subsections.

*PURPOSE: This amendment establishes methods permitted for fishing at Preslar, Upper Fabick, and Westside lakes (City of Fenton).*

(3) Gizzard shad may be taken from lakes and ponds by dip net or throw net, except at the following areas:

- (C) Fenton (Preslar Lake, Upper Fabick Lake, Westside Lake)**  
**/(C)/(D) Ferguson (January-Wabash Park Lake)**  
**/(D)/(E) Jennings (Koeneman Park Lake)**  
**/(E)/(F) Kirkwood (Walker Lake)**  
**/(F)/(G) Overland (Wild Acres Park Lake)**  
**/(G)/(H) St. Louis City (Benton Park Lake, Carondelet Park-Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park-North Lake, Willmore Park-South Lake)**  
**/(H)/(I) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes #1, #2, and #3, Tilles Park Lake, Veteran's Memorial Park Lake)**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

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**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 12—Wildlife Code: Special Regulations for  
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**PROPOSED AMENDMENT**

**3 CSR 10-12.140 Fishing, Daily and Possession Limits.** The commission proposes to add new subsections (2)(J), (6)(B), and (11)(C) and renumber subsequent subsections.

*PURPOSE: This amendment establishes a daily limit for largemouth bass, crappie, and all other species in Preslar, Upper Fabick, and Westside lakes (City of Fenton).*

(2) The daily limit for black bass is two (2) on the following lakes:

- (J) Fenton (Preslar Lake, Upper Fabick Lake, Westside Lake)**  
**/(J)/(K) Ferguson (January-Wabash Lake)**  
**/(K)/(L) Higginsville City Lake**  
**/(L)/(M) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)**  
**/(M)/(N) Jefferson City (McKay Park Lake)**  
**/(N)/(O) Jennings (Koeneman Park Lake)**  
**/(O)/(P) Keytesville (Maxwell Taylor Park Pond)**  
**/(P)/(Q) Kirkwood (Walker Lake)**  
**/(Q)/(R) Mexico (Teal Lake)**  
**/(R)/(S) Mineral Area College (Quarry Pond)**  
**/(S)/(T) Overland (Wild Acres Park Lake)**  
**/(T)/(U) Potosi (Roger Bilderback Lake)**  
**/(U)/(V) Sedalia Water Department (Spring Fork Lake)**  
**/(V)/(W) St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)**  
**/(W)/(X) St. Louis City (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park-North Lake, Willmore Park-South Lake)**  
**/(X)/(Y) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)**  
**/(Y)/(Z) Unionville (Lake Mahoney)**  
**/(Z)/(AA) University of Missouri (South Farm R-1 Lake)**  
**/(AA)/(BB) Warrensburg (Lion's Lake)**  
**/(BB)/(CC) Watkins Mill State Park Lake**  
**/(CC)/(DD) Wentzville (Community Club Lake)**  
**/(DD)/(EE) Windsor (Farrington Park Lake)**

(6) The daily limit for crappie is fifteen (15) on the following lakes:

- (B) Fenton (Preslar Lake, Upper Fabick Lake, Westside Lake)**  
**/(B)/(C) Ferguson (January-Wabash Lake)**  
**/(C)/(D) Kirksville (Hazel Creek Lake)**  
**/(D)/(E) St. Louis City (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park-North Lake, Willmore Park-South Lake)**

~~[(E)](F)~~ St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

~~[(F)](G)~~ Springfield City Utilities (Fellows Lake)

(11) The daily limit for fish other than those species listed as endangered in 3 CSR 10-4.111 or defined as game fish is twenty (20) in the aggregate, except on the following lakes where the daily limit is ten (10) in the aggregate, and except for those fish included in (4), (8), (9), and (10) of this rule:

~~[(C)](D)~~ Fenton (Preslar Lake, Upper Fabick Lake, Westside Lake)

~~[(C)](D)~~ Ferguson (January-Wabash Lake)

~~[(D)](E)~~ Jennings (Koeneman Park Lake)

~~[(E)](F)~~ Keytesville (Maxwell Taylor Park Pond)

~~[(F)](G)~~ Kirkwood (Walker Lake)

~~[(G)](H)~~ Mineral Area College (Quarry Pond)

~~[(H)](I)~~ Overland (Wild Acres Park Lake)

~~[(I)](J)~~ Potosi (Roger Bilderback Lake)

~~[(J)](K)~~ St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)

~~[(K)](L)~~ St. Louis City (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park-North Lake, Willmore Park-South Lake)

~~[(L)](M)~~ St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

~~[(M)](N)~~ Wentzville (Community Club Lake)

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### **Title 3—DEPARTMENT OF CONSERVATION** **Division 10—Conservation Commission** **Chapter 12—Wildlife Code: Special Regulations for** **Areas Owned by Other Entities**

#### **PROPOSED AMENDMENT**

**3 CSR 10-12.145 Fishing, Length Limits.** The commission proposes to amend subsections (2)(B) and (2)(C) and delete section (6) and renumber accordingly.

*PURPOSE: This amendment changes the length limit on black bass from a fifteen-inch (15") minimum length limit to a twelve- to fifteen-inch (12–15") length limit at Kirksville (Spur Pond) and Macon County (Fairgrounds Lake); removes the fifteen-inch (15") minimum length limit for channel catfish on Macon City Lake; removes St. Charles County (Quail Ridge Park Lake); and establishes length lim-*

*its for black bass in Preslar, Upper Fabick, and Westside lakes (City of Fenton).*

(2) Black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

(B) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Arrow Rock State Historic Site (Big Soldier Lake)
2. Bethany (Old Bethany City Reservoir)
3. Blue Springs (Lake Remembrance)
4. Big Oak Tree State Park (Big Oak Lake)
5. Butler City Lake
6. California (Proctor Park Lake)
7. Cameron (Reservoirs No. 1, 2, and 3, Grindstone Reservoir)
8. Carthage (Kellogg Lake)
9. Columbia (Stephens Lake)
10. Concordia (Edwin A. Pape Lake)
11. Confederate Memorial State Historic Site lakes
12. Dexter City Lake
13. Hamilton City Lake
14. Harrison County Lake
15. Higginsville City Lake
16. Holden City Lake
17. Iron Mountain City Lake
18. Jackson (Rotary Lake)
19. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
20. Jefferson City (McKay Park Lake)
21. Keytesville (Maxwell Taylor Park Pond)
22. Kirksville (Hazel Creek Lake)
- ~~23. Kirksville (Spur Pond)]~~
- ~~24.] 23.~~ Macon (Blees Lake)
- ~~25. Macon County (Fairgrounds Lake)]~~
- ~~26.]24.~~ Maysville (Willow Brook Lake)
- ~~27.]25.~~ Mark Twain National Forest (Fourche Lake, Huzzah Pond, Loggers Lake, McCormack Lake, Noblett Lake, Roby Lake)
- ~~28.]26.~~ Mineral Area College (Quarry Pond)
- ~~29.]27.~~ Odessa (Lake Venita)
- ~~30.]28.~~ Pershing State Park ponds
- ~~31.]29.~~ Potosi (Roger Bilderback Lake)
- ~~32.]30.~~ University of Missouri (Dairy Farm Lake No. 1, [and] McCredie Lake)
- ~~33.]31.~~ Warrensburg (Lion's Lake)
- ~~34.]32.~~ Watkins Mill State Park Lake
- ~~35.]33.~~ Windsor (Farrington Park Lake)

(C) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Ballwin (New Ballwin Lake, Vlasik Park Lake)
2. Bridgeton (Kiwanis Lake)
3. Columbia (Twin Lake)
4. Fenton (Preslar Lake, Upper Fabick Lake, Westside Lake)
- ~~4.]5.~~ Ferguson (January-Wabash Lake)
- ~~5.]6.~~ Jennings (Koeneman Park Lake)
- ~~6.]7.~~ Kirkwood (Walker Lake)
- ~~7.]8.~~ Overland (Wild Acres Park Lake)
- ~~8.]9.~~ Sedalia Water Department (Spring Fork Lake)
- ~~9.]10.~~ St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)
- ~~10. St. Charles County (Quail Ridge Park Lake)]~~
11. St. Louis City (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park-North Lake, Willmore Park-South Lake)

12. St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes[,/ No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

13. Unionville (Lake Mahoney)

14. University of Missouri (South Farm R-1 Lake)

15. Wentzville (Community Club Lake)

*[(6)] Channel catfish less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on Macon City Lake.]*

*[(7)](6) Flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught on Concordia (Edwin A. Pape Lake), Higginsville City Lake, and St. Louis County (Bee Tree Lake, Sunfish Lake).*

*[(8)](7) Walleye less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on Memphis (Lake Showme).*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### **Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 20—Wildlife Code: Definitions**

#### **PROPOSED AMENDMENT**

**3 CSR 10-20.805 Definitions.** The commission proposes to amend sections (26) and (49), delete sections (33) and (40), and renumber subsequent sections.

*PURPOSE: This amendment changes the name of the common snipe to the now-preferred name of Wilson's snipe, removes the definition of "Lessee" from this rule, and changes the word continuous to contiguous.*

(26) Game birds: American coot, American woodcock, *[common snipe,]* crows, ducks, Eurasian collared-dove, geese, gray partridge, mourning dove, northern bobwhite quail, ring-necked pheasant, ruffed grouse, sora rail, Virginia rail, white-winged dove *[and]*, wild turkey, **and Wilson's snipe.**

*[(33)] Lessee: Any Missouri resident who resides on and leases at least five (5) acres of land in one (1) continuous tract owned by others, or any member of the immediate household whose legal residence and domicile is the same as the lessee's for at least thirty (30) days last past.]*

*[(34)](33) Limit: The maximum number or quantity, total length, or both, of any wildlife permitted to be taken or held in possession by any person within a specified period of time according to this Code.*

*[(35)](34) Managed deer hunt: A prescribed deer hunt conducted on a designated area for which harvest methods, harvest quotas, and numbers of participants are determined annually and presented in the deer hunting rules (3 CSR 10-7.431 and 3 CSR 10-7.436).*

*[(36)](35) Mouth of stream or ditch: The point at which a line projected along the shore of a main stream or ditch at the existing water level at time of measurement crosses any incoming stream or ditch.*

*[(37)](36) Mussels: All species of freshwater mussels and clams. Includes all shells and alive or dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel.*

*[(38)](37) Muzzleloading firearm: Any firearm capable of being loaded only from the muzzle.*

*[(39)](38) Night vision equipment: Optical devices (that is, binoculars or scopes) using light amplifying circuits that are electrical or battery powered.*

*[(40)] Nonresident landowner: Any nonresident of Missouri who is the owner of at least seventy-five (75) acres in one (1) continuous tract in the state of Missouri, or any member of the immediate household whose legal residence and domicile is the same as the nonresident landowner's for at least thirty (30) days last past. In the case of corporate ownership only registered officers of corporations meet this definition.]*

*[(41)](39) Open season: That time when the pursuing and taking of wildlife is permitted.*

*[(42)](40) Other fish: All species other than those listed as endangered in 3 CSR 10-4.111 or defined in this rule as game fish.*

*[(43)](41) Persons with disabilities: a person who is blind, as defined in section 8.700, RSMo, or a person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician as follows: The person cannot ambulate or walk fifty (50) or less feet without stopping to rest due to a severe and disabling arthritic, neurological, or orthopedic condition, or other severe and disabling condition; or the person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or the person is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mmHg on room air at rest; or the person uses portable oxygen; or the person has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association. (A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled.)*

*[(44)](42) Poisons, contaminants, pollutants: Any substances that have harmful effect upon wildlife.*

*[(45)](43) Pole and line: Fishing methods using tackle normally held in the hand, such as a cane pole, casting rod, spinning rod, or fly rod, to which not more than three (3) hooks with bait or lures are attached. This fishing method does not include snagging, snaring, grabbing, or trotlines or other tackle normally attached in a fixed position.*



**[(46)](44)** Possessed and possession: The actual and constructive possession and control of things referred to in this Code.

**[(47)](45)** Public roadway: The right of way which is either owned in fee or by easement by the state of Missouri or any county or municipal entity, or which is used by the general public for travel and is also regularly maintained by Department of Transportation, federal, county, or municipal funds or labor.

**[(48)](46)** Pursue or pursued: Includes the act of trying to find, to seek, or to diligently search for wildlife for the purpose of taking this wildlife.

**[(49)](47)** Resident landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) *[continuous]* **contiguous** tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past. In the case of corporate ownership only registered officers of corporations meet this definition.

**[(50)](48)** Sell: To exchange for compensation in any material form and the term shall include offering for sale.

**[(51)](49)** Snare: A device for the capture of furbearers in a water-set by use of a cable loop. Snares must be constructed of cable that is at least five sixty-fourths inch (5/64") and no greater than one-eighth inch (1/8") in diameter, and must be equipped with a mechanical lock and anchor swivel.

**[(52)](50)** Speargun: A mechanically powered device that propels a single- or multiple-pronged spear underwater.

**[(53)](51)** Store and storage: Shall also include chilling, freezing, and other processing.

**[(54)](52)** Take or taking: Includes killing, trapping, snaring, netting, or capturing in any manner, any wildlife, and also refers to pursuing, molesting, hunting, wounding; or the placing, setting, or use of any net, trap, device, contrivance, or substance in an attempt to take; and every act of assistance to every other person in taking or attempting to take any wildlife.

**[(55)](53)** Transgenic: Any organism, or progeny thereof, that contains DNA from a species that was not a parent of that organism.

**[(56)](54)** Transport and transportation: All carrying or moving or causing to be carried or moved from one point to another, regardless of distance, vehicle, or manner, and includes offering or receiving for transport or transit.

**[(57)](55)** Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear.

**[(58)](56)** Ungulate: Hoofed animals.

**[(59)](57)** Waters of the state: All rivers, streams, lakes, and other bodies of surface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and including waters of the United States lying within the state. Waters of the state will include any waters which have been stocked by the state or which are subject to movement of fishes to and from waters of the state.

**[(60)](58)** Zoo: Any publicly owned facility, park, building, cage, enclosure, or other structure or premises in which live animals are held and exhibited for the primary purpose of public viewing.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-II.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 10—Air Conservation Commission**

### **Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control**

### **Regulations for the Entire State of Missouri**

## **PROPOSED AMENDMENT**

**10 CSR 10-6.060 Construction Permits Required.** The commission proposes to amend subsections (1)(A), (1)(C), (4)(B), (6)(A) through (6)(C), (8)(A), (10)(A), (11)(B), (11)(D), (12)(A), (12)(B), and (12)(F) through (12)(J); amend sections (3) and (7); renumber original subsection (7)(C) as subsection (7)(E); delete original subsection (7)(D); add new subsections (7)(C), (7)(D), (7)(F), and (7)(G); delete subsection (8)(D) and renumber original subsections (8)(E) and (8)(F); delete subsection (9)(A); and amend and resequence original subsections (9)(B) through (9)(E). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/reg/index.html](http://www.dnr.mo.gov/reg/index.html).

**PURPOSE:** This rule defines sources which are required to obtain permits to construct. It establishes requirements to be met prior to construction or modification of any of these sources. This rule also establishes permit fees and public notice requirements for certain sources and incorporates a means for unifying the processing of construction and operating permit issuance. The purpose of this amendment is to implement the Environmental Protection Agency's (EPA) 2002 New Source Review (NSR) improvement rule in nonattainment areas, to remove portions of the EPA's NSR reform rule that have been vacated by the court from the attainment area permitting program, to update several references that were outdated, and to make several administrative or clarification changes. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the NSR improvement final rule published in the December 31, 2002, *Federal Register* (67 FR 80186) and comments in a letter from industry stakeholders dated July 29, 2004.



**PUBLISHER'S NOTE:** *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Applicability.

(A) Definitions. Definitions of certain terms used in this rule may be found in paragraph (b) of 40 CFR 52.21 which is incorporated by reference in subsection (8)(A) of this rule, except that—

1. *[Baseline area—The continuous area in which the source constructs as well as those portions of the intrastate area which are not part of a nonattainment area and which would receive an air quality impact equal to or greater than one microgram per cubic meter (1 µg/m<sup>3</sup>) annual average (established by modeling) for each pollutant for which an installation receives a permit under section (8) of this rule and for which increments have been established in subsection (11)(A) of this rule. Each of these areas are references to the standard United States Geological Survey (USGS) County-Township-Range-Section system. The smallest unit of area for which a baseline date will be set is one (1) section (one (1) square mile).] Any provisions of 40 CFR 52.21(b) that are stated shall not apply;*

2. *[Major operation—Any installation which has the potential to emit one hundred (100) tons per year or more of criteria pollutants, fifty (50) tons per year of volatile organic compound (VOC) or oxides of nitrogen in serious nonattainment areas; twenty-five (25) tons per year of VOC or oxides of nitrogen in severe nonattainment areas; or ten (10) tons per year of VOC or oxides of nitrogen in extreme nonattainment areas.] Solely for the purposes of section (7) of this rule, the following definitions shall be used in place of the definitions of the same terms specified elsewhere in this subsection:*

A. Major stationary source is defined in 40 CFR 51.165(a)(1)(iv), promulgated as of July 1, 2007; amended by 72 FR 24077 and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions. The term major, as used in this definition, shall be major for the nonattainment pollutant;

B. Major modification is defined in 40 CFR 51.165(a)(1)(v), promulgated as of July 2, 2007, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408, except that any incorporated provisions that are stated shall not apply. This rule does not incorporate any subsequent amendments or additions. The term major, as used in this definition, shall be major for the nonattainment pollutant;

C. Net emissions increase is defined in 40 CFR 51.165(a)(1)(vi), promulgated as of July 2, 2007, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions;

D. Significant is defined in 40 CFR 51.165(a)(1)(x), promulgated as of July 2, 2007, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions;

3. *[Definitions for key words or phrases used in this rule, other than those defined in this rule section, may be found in 40 CFR 52.21(b), promulgated as of July 1, 2003 and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.] Solely for the purposes of section (9) of this rule, the following definitions shall be used in addition to definitions specified elsewhere in this subsection:*

A. Construct a major source—

(I) Fabricate, erect, or install, at any greenfield site, a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit ten (10) tons per year of any hazardous air pollutant (HAP) or twenty-five (25) tons per year of any combination of HAPs; or

(II) Fabricate, erect, or install, at any developed site, a new process or production unit which in and of itself emits or has the potential to emit ten (10) tons per year of any HAP or twenty-five (25) tons per year of any combination of HAPs;

B. Greenfield site—A contiguous area under common control that is an undeveloped site;

C. Process or production—Any collection of structures and/or equipment that processes, assembles, applies, or otherwise uses material inputs to produce or store an intermediate or final product. A single facility may contain more than one (1) process or production unit;

D. Reconstruct a major source—Replace components at an existing process or production unit where the replacement of components in and of itself emits or has the potential to emit ten (10) tons per year of any HAP or twenty-five (25) tons per year of any combination of HAPs, whenever—

(I) The fixed capital cost of the new components exceeds fifty percent (50%) of the fixed capital cost that would be required to construct a comparable process or production unit; and

(II) It is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under this section;

E. Research and development activities—Activities conducted at a research or laboratory facility whose primary purpose is to conduct research and development into new processes and products, where such source is operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a *de minimis* manner;

F. Similar source—A stationary source or process that has comparable emissions and is structurally similar in design and capacity to a constructed or reconstructed major source such that the source could be controlled using the same control technology; and

G. Definitions for certain terms, other than those defined in subparagraphs (1)(A)3.A. through F. of this rule, may be found in 40 CFR 63.41 promulgated as of January 1, 2007, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions;

4. Nonattainment Pollutant—Each and every pollutant for which the location of the source is in an area designated to be in nonattainment of a National Ambient Air Quality Standard (NAAQS) under section 107(d)(1)(A)(i) of the Act. Any constituent or precursor of a nonattainment pollutant shall be a nonattainment pollutant, provided that the constituent or precursor pollutant may only be regulated under this rule as part of

**regulation of the corresponding NAAQS pollutant. Both volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) shall be nonattainment pollutants for a source located in an area designated nonattainment for ozone;**

*[4./5. Definitions for [key words or phrases] certain terms used in this rule, other than those defined elsewhere in this [rule] subsection [or in 40 CFR 52.21(b)], may be found in 10 CSR 10-6.020/(2)]; and*

**6. The provisions of subsection (8)(B) of this rule regarding the term administrator shall apply.**

(C) Construction/Operation Prohibited. No owner or operator shall commence construction or modification of any installation subject to this rule, begin operation after that construction or modification, or begin operation of any installation which has been shut down longer than five (5) years without first obtaining a permit from the permitting authority under this rule. For sources not subject to review under sections (7), (8), or (9) of this rule, construction may be commenced if authorized by the director. A request for authorization must include: a signed waiver of any state liability; a complete list of the activities to be undertaken; and, the applicant's full acceptance and knowledge of all liability associated with the possibility of denial of the permit application. A request will not be granted unless an application for permit approval under this rule has been filed. The waiver is not available to sources seeking federally enforceable permit restrictions to avoid review under sections (7)–(9) of this rule.

(3) Temporary Installations and Pilot Plants Permits. The permitting authority may exempt temporary installations and pilot plants having a potential to emit under one hundred (100) tons per year of each pollutant from any of the requirements of this rule, provided that these exemptions are requested in writing prior to the start of construction. These exemptions shall be granted only when the attainment or maintenance of ambient air quality standards is not threatened, when there will be no significant impact on any Class I area, and when the imposition of requirements of this rule would be unreasonable.

(4) Portable Equipment Permits. Portable equipment must meet the following criteria:

(B) The equipment was permitted previously under either section (5), (6), (7), or (8) of this rule and the previous permit is still valid;

(6) General Permit Requirements for Construction or Emissions Increase Greater Than *De Minimis* Levels.

(A) A permit shall be issued pursuant to this section only if it is determined that the proposed source operation or installation will not—

1. Violate any of the provisions of this rule;
2. Interfere with the attainment or maintenance of ambient air quality standards;
3. Cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in subsection (11)(A), Table 1, of this rule, over the baseline concentration in any attainment or unclassified area;
4. Violate any applicable requirements or the Air Conservation Law; and
5. Cause an adverse impact on visibility in any Class I area (those designated in paragraph (12)(I)3. of this rule).

(B) In order for the permitting authority to make this determination, each applicant shall—

1. Complete and submit application forms supplied by the permitting authority. These forms shall consist of an Application for Authority to Construct and an Emissions Information for Construction Permit Application. Both forms shall be completed so that all information necessary for processing the permit is supplied;
2. Send to the permitting authority as part of the application: site information; plans; descriptions; specifications; and drawings

showing the design of the installation, the nature and amount of emissions of each pollutant, and the manner in which it will be operated and controlled;

3. Supply ambient air quality modeling data for the pollutant to determine the air quality impact of the installation on the applications with the potential to emit fifty (50) tons per year or more of particulate matter or sulfur dioxide. The modeling techniques to be used are as specified in the **most recent version of the** Environmental Protection Agency's (EPA) Guideline/s/ on Air Quality Models *[(revised July 1986)]* (EPA 450/2-78-027R), *[and] including* supplements *[A (July 1987)]* **at the time of application**, or another model which the permitting authority deems accurate. Temporary installations and portable equipment shall be exempt from this requirement provided that the source shall apply best available control technology (BACT) for each pollutant emitted in a significant amount;

4. Furnish any additional information, plans, specifications, evidence, documentation, modeling, or monitoring data that the permitting authority may require to complete review under this rule; and

5. Submit fees for the filing and processing of their permit application. The amount of the fee will be determined from section (10) of this rule.

(C) The review of each permit application will follow the procedures of subsection (12)(A), Appendix A of this rule and, when applicable, subsection (12)(B), Appendix B of this rule.

(7) Nonattainment Area Permits. **This section applies to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as nonattainment.**

(A) *[Solely for the purpose of determining applicability with section (7) of this rule, fugitive emissions shall be considered when calculating potential to emit for construction and modification only for installations belonging to one of the source categories listed in 10 CSR 10-6.020(3)(B), Table 2.]* **Applicability Procedures.** The provisions of this subsection are used to determine, prior to beginning actual construction, if a project at an existing major stationary source is a major modification and thus subject to the permit application and review requirements of subsection (7)(B) of this rule.

1. Except for sources with a Plantwide Applicability Limit (PAL), which shall comply with subsection (7)(C) of this rule, and in accordance with the definition of the term major modification contained in subsection (1)(A) of this rule, a project is a major modification if it causes two (2) types of emissions increases for the nonattainment pollutant—a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

2. The emissions increase from the project is determined by taking the sum of the emissions increases from each emissions unit affected by the project. An emissions unit is considered to be affected by the project if an emissions increase from the unit would occur as a result of the project, regardless of whether a physical change or change in the method of operation will occur at the particular emissions unit.

3. For each existing emissions unit affected by the project, the emissions increase is determined by taking the difference between the projected actual emissions for the completed project and the baseline actual emissions. In accordance with the definition of the term projected actual emissions found in 40 CFR 52.21 as referred to in subsection (1)(A) of this rule, the owner or operator of the major stationary source may elect to use the existing emission unit's potential to emit in lieu of the projected actual emissions for this calculation.

4. For each new emissions unit affected by the project, the emissions increase is equal to the potential to emit.

5. The procedure for calculating the net emissions increase (the significance of which is the second criterion for determining if a project is a major modification) is contained in the definition of the term net emissions increase found in subsection (1)(A) of this rule.

6. The provisions of subsection (7)(B) of this rule do not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions to the extent quantifiable are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to one (1) of the source categories listed in items (i)(1)(vii)(a)-(aa) of 40 CFR 52.21 which is incorporated by reference in subsection (8)(A) of this rule.

(B) **Permit Requirements.** A permit shall not be issued for the construction of a new major *[operation]* stationary source for the nonattainment pollutants, or for a major modification for the nonattainment pollutant of an existing major *[operation]* stationary source, unless the following requirements, in addition to section (6) of this rule, are met:

1. By the time the source is to commence operation, sufficient emissions offsets shall be obtained as required to ensure reasonable further progress toward attainment of the applicable national ambient air quality standard and consistent with the requirements of Section 173(a)(1)(A) of the Clean Air Act;

2. In the case of a new or modified installation which is located in a zone (within the nonattainment area) identified by the administrator, in consultation with the Secretary of Housing and Urban Development, as a zone to which economic development should be targeted, emissions of that pollutant resulting from the proposed new or modified installation will not cause or contribute to emissions levels which exceed the allowance permitted for that pollutant for that zone from new or modified installations;

3. Offsets have been obtained in accordance with the offset and banking procedures in 10 CSR 10-6.410;

4. The administrator has not determined that the state implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified;

5. Temporary installation and portable sources shall be exempt from this *[sub]section* provided that the source applies BACT for each pollutant emitted in a significant amount;

6. The applicant must provide documentation establishing that all installations in Missouri, which are owned or operated by the applicant (or by any entity controlling, controlled by or under common control with the applicant), are subject to emission limitations and are in compliance, or are on a schedule for compliance, with all applicable requirements;

7. *[The applicant shall document that the provisions in its application for the installation and operation of pollution control equipment or processes will meet the lowest achievable emission rate (LAER) for the nonattainment pollutant. Temporary installations and portable equipment shall be exempt from LAER, provided the installation applies BACT for each pollutant emitted in a significant amount;]* Permit applications shall include a control technology evaluation to demonstrate that any new major stationary source or major modification will meet the lowest achievable emission rate (LAER) for all new or modified emission units, unless otherwise provided in this section;

8. *[For phased construction projects, the determination of LAER shall be reviewed and modified as appropriate at the latest reasonable time prior to commencement of construction of each independent phase of construction;]* Any new major stationary source or major modification to be constructed in an area designated nonattainment shall comply with LAER as determined by the director and set forth in the construction per-

mit pursuant to this section, except where otherwise provided in this section;

9. The applicant must provide an alternate site analysis; and

10. The applicant shall provide an analysis of impairment to visibility in any Class I area (those designated in subsection (12)(I) of this rule) that would occur as a result of the installation or major modification and as a result of the general, commercial, residential, industrial, and other growth associated with the installation or major modification.

(C) **Plantwide Applicability Limits (PALs).** The provisions of subsection (aa) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule, shall govern PALs of the nonattainment pollutant for projects at existing major stationary sources in an area designated nonattainment, except that—

1. The term Administrator shall be the director of the Missouri Department of Natural Resources' Air Pollution Control Program;

2. The term BACT or LAER and the term BACT shall both be LAER for the nonattainment pollutant;

3. The term PSD program, as it appears in 40 CFR 52.21(aa)(1)(ii)(b), and the term major NSR program, as it appears in 52.21(aa)(1)(ii)(c), both shall be Nonattainment Area Permit program of this section; and

4. The director shall not allow a PAL for VOC or NO<sub>x</sub> for any existing major stationary source located in an extreme ozone nonattainment area.

(D) **Reporting and Record Keeping.** This subsection applies to projects at existing major stationary sources, without a PAL, which are exempt from the permit requirements of subsection (7)(B) of this rule as a result of the applicability determination made in subsection (7)(A) of this rule. The owner or operator of such sources shall comply, in regards to the nonattainment pollutant, with the provisions of paragraph (r)(6) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule, except that the term Administrator shall be the director of the Missouri Department of Natural Resources' Air Pollution Control Program.

*[(C)](E)* Any construction or modification that will impact a federal Class I area shall be subject to the provisions of subsection (12)(H) of this rule.

*[(D) NO<sub>x</sub> Requirements. For the purpose of section (7), any significant increase due to the levels of emission of oxides of nitrogen, shall be considered significant for ozone. Any installation with the potential to emit one hundred (100) tons per year of oxides of nitrogen located within an area which is nonattainment for ozone, must comply with the specific permit requirements of the nonattainment provisions of section (7) and with section (8) for any significant increase due to the levels of emission of oxides of nitrogen.]*

(F) All permit applications subject to subsection (7)(B) of this rule are subject to the public participation requirements in subsection (12)(B) of this rule.

(G) The director of the Missouri Department of Natural Resources' Air Pollution Control Program shall transmit to the administrator of the U.S. Environmental Protection Agency a copy of each permit application filed under section (7) of this rule and shall notify the administrator of each significant action taken on the application.

(8) Attainment and Unclassified Area Permits.

(A) All of the subsections of 40 CFR 52.21, other than (a) Plan disapproval, (q) Public participation, (s) Environmental impact statements, and (u) Delegation of authority, *[are incorporated by reference. 40 CFR 52.21 as used in this rule refers to 40 CFR 52.21] promulgated as of July 1, [2003] 2007, and amended by 72 FR 24078 and 72 FR 72617, are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania*

Avenue NW, Washington, D[.]/C[.] 20408. This rule does not incorporate any subsequent amendments or additions.

*[(D)] Clean unit designations are subject to the public participation requirements of paragraph (12)(B)3. of this rule.*

*[(E)](D)* The director of the Missouri Department of Natural Resources' Air Pollution Control Program shall transmit to the administrator of the U.S. Environmental Protection Agency a copy of each permit application filed under section (8) of this rule and shall notify the administrator of each significant action taken on the application.

*[(F)](E)* Applicants must obtain emission reductions, obtained through binding agreement prior to commencing operations and subject to 10 CSR 10-6.410, equal to and of a comparable air quality impact to the new or increased emissions in the following circumstances when the:

1. Area has no increment available; or
2. Proposal will consume more increment than is available.

(9) Hazardous Air Pollutant Permits. The requirements of this section apply to any owner or operator of a major source identified in subsection (9)(B) of this rule, unless the major source in question has been specifically regulated or exempted from regulation under a standard issued pursuant to section 112(d), section 112(h), or section 112(j) of the Clean Air Act and incorporated in another subpart of part 63 of the *Code of Federal Regulations* (CFR), or the owner or operator of such a major source has received all necessary air quality permits for construction or reconstruction before the effective date of this section.

*[(A)] Definitions. As used in section (9)–*

1. *Construct a major source means–*

*A. To fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit ten (10) tons per year of any hazardous air pollutant (HAP) or twenty-five (25) tons per year of any combination of HAPs; or*

*B. To fabricate, erect, or install at any developed site a new process or production unit which in and of itself emits or has the potential to emit ten (10) tons per year of any HAP or twenty-five (25) tons per year of any combination of HAPs;*

*2. Greenfield site means a contiguous area under common control that is an undeveloped site;*

*3. Process or production unit means any collection of structures and/or equipment, that processes, assembles, applies, or otherwise uses material inputs to produce or store an intermediate or final product. A single facility may contain more than one (1) process or production unit;*

*4. Reconstruct a major source means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit ten (10) tons per year of any HAP or twenty-five (25) tons per year of any combination of HAP, whenever:*

*A. The fixed capital cost of the new components exceeds fifty percent (50%) of the fixed capital cost that would be required to construct a comparable process or production unit; and*

*B. It is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under this section;*

*5. Research and development activities means activities conducted at a research or laboratory facility whose primary purpose is to conduct research and development into new processes and products, where such source is operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for sale*

*or exchange for commercial profit, except in a de minimis manner;*

*6. Similar source means a stationary source or process that has comparable emissions and is structurally similar in design and capacity to a constructed or reconstructed major source such that the source could be controlled using the same control technology; and*

*7. Other definitions contained in 40 CFR parts 63.40 through 63.44, to the extent they are different from the definitions found in 10 CSR 10-6.020, supersede the definitions found in 10 CSR 10-6.020 and are only applicable to this section (9).]*

*[(B)](A)* Applicability. No person may construct or reconstruct a major source unless they submit an application and receive approval from the permitting authority according to the procedures of paragraphs (9)(D)(C)2. and (9)(D)(C)3. **of this rule**; or unless all of the following are satisfied:

1. All HAPs emitted by the process or production unit that would otherwise be controlled under the requirements of this section will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;

2. The permitting authority—

*A.* Determined within a period of five (5) years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment represented best available control technology (BACT), lowest achievable emission rate (LAER) under 40 CFR part 51 or 52, toxic-best available control technology (T-BACT), or maximum achievable control technology (MACT) based on state air toxic rules for the category of pollutants which includes those HAPs to be emitted by the process or production unit; or

*B.* Determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or state air toxic rule MACT determination);

3. The permitting authority determines that the percent control efficiency for emissions of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;

4. The permitting authority has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs (9)(B)(A)1., 2., and 3. of this rule apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or state air toxic rule MACT determination;

5. If any commenter has asserted that a prior LAER, BACT, T-BACT, or state air toxic rule MACT determination is no longer adequate, the permitting authority has determined that the level of control required by that prior determination remains adequate;

6. The requirements of section (6) **of this rule** are met; and

7. Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by the permitting authority are predicated will be construed by the permitting authority as applicable requirements under section 504(a) of the Clean Air Act and either have been incorporated into any existing Part 70 permit for the affected facility or will be incorporated into such permit upon issuance.

*[(C)](B)* Exemptions. The requirements of section (9) of this rule do not apply to—

1. Electric utility steam generating units unless they are listed on the source category list established in accordance with section 112(c) of the Clean Air Act; or

2. Research and development activities.

*[(D)](C)* MACT Review and Determinations.

1. General principles.

*A.* The MACT emission limitation or MACT requirements

recommended by the applicant and approved by the permitting authority shall not be less stringent than the emission control which is achieved in practice by the best controlled similar source, as determined by the permitting authority.

B. Based upon available information, the MACT emission limitation and control technology recommended by the applicant and approved by the permitting authority shall achieve the maximum degree of reduction in emissions of HAPs which can be achieved by utilizing those control technologies that can be identified from the available information, taking into consideration the costs of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements associated with the emission reduction.

C. The applicant may recommend a specific design, equipment, work practice, or operational standard, or a combination thereof, and the permitting authority may approve such a standard if the permitting authority specifically determines that it is not feasible to prescribe or enforce an emission limitation under the criteria set forth in section 112(h)(2) of the Clean Air Act.

D. The applicant has met the requirements of section (6) of **this rule**.

2. Application requirements for a case-by-case MACT determination.

A. An application for a MACT determination shall specify a control technology selected by the owner or operator that, if properly operated and maintained, will meet the MACT emission limitation or standard as determined according to the principles set forth in paragraph (9)/(D)/(C)1. **of this rule**.

B. Where additional control technology or a change in control technology is required, the application for a MACT determination shall contain the following information:

(I) Emissions Information for Construction Permit Application;

(II) Standard application form and information as described in paragraph (12)(A)4. **of this rule**;

(III) The anticipated date of start-up;

(IV) The estimated emission rate for each such HAP, to the extent this information is needed by the permitting authority to determine MACT;

(V) Any applicable federally-enforceable emission limitations;

(VI) The maximum and expected utilization of capacity and the associated uncontrolled emission rates for that source, to the extent this information is needed by the permitting authority to determine MACT;

(VII) The controlled emissions in tons/year at expected and maximum utilization of capacity, to the extent this information is needed by the permitting authority to determine MACT;

(VIII) A recommended emission limitation consistent with the principles set forth in paragraph (9)/(D)/(C)1. **of this rule**;

(IX) The selected control technology to meet the recommended MACT emission limitation, including technical information on the design, operation, size, and estimated control efficiency of the control technology (and the manufacturer's name, address, telephone number, and relevant specifications and drawings, if requested by the permitting authority);

(X) Supporting documentation including identification of alternative control technologies considered by the applicant to meet the emission limitation, and analysis of cost and non-air quality health environmental impacts or energy requirements for the selected control technology; and

(XI) Any other relevant information required to be submitted by the permitting authority deemed necessary to determine MACT.

C. Where the owner or operator contends that source will be in compliance, upon start-up, with case-by-case MACT without a change in control technology, the application for a MACT determination shall contain the following information:

(I) The information described in parts (9)/(D)/(C)2.B.(II) through (9)/(D)/(C)2.B.(XI) **of this rule** to determine MACT; and  
(II) Documentation of the control technology in place.

3. Administrative procedures for review of the MACT application.

A. The permitting authority will notify the owner or operator in writing, within thirty (30) days from the date the application is first received, as to whether the application for a MACT determination is complete or whether additional information is required.

B. The permitting authority will initially approve the recommended MACT emission limitation and other terms set forth in the application, or the permitting authority will notify the owner or operator in writing of its intent to disapprove the application, within thirty (30) calendar days after the owner or operator is notified in writing that the application is complete.

C. Notice of disapproval.

(I) The owner or operator may present, in writing, within sixty (60) calendar days after receipt of notice of the permitting authority's intent to disapprove the application, additional information or arguments pertaining to, or amendments to, the application for consideration by the permitting authority before it decides whether to finally disapprove the application.

(II) The permitting authority will either initially approve or issue a final disapproval of the application within ninety (90) days after it notifies the owner or operator of an intent to disapprove or within thirty (30) days after the date additional information is received from the owner or operator, whichever is earlier.

(III) A final determination by the permitting authority to disapprove any application will be in writing and will specify the grounds on which the disapproval is based. If any application is finally disapproved, the owner or operator may submit a subsequent application, provided that the subsequent application has been amended in response to the stated grounds for the prior disapproval.

D. Incorporation of the MACT determination into a construction permit.

(I) When an application for a MACT determination is approved pursuant to **this** section ~~/(9)/~~, the construction permit issued pursuant to this rule shall contain a MACT emission limitation (or a MACT work practice standard if the permitting authority determines it is not feasible to prescribe or enforce an emission standard) to control the emissions of HAP.

(II) Such construction permit will specify any notification, operation and maintenance, performance testing, monitoring, reporting, and record-keeping requirements. Such construction permit shall include:

(a) In addition to the MACT emission limitation additional emission limits, production limits, operational limits, or other terms and conditions necessary to ensure enforceability of the MACT emission limitation;

(b) Compliance certifications, testing, monitoring, reporting, and record-keeping requirements that are consistent with the requirements of 10 CSR 10-6.065;

(c) In accordance with section 114(a)(3) of the Clean Air Act, monitoring shall be capable of demonstrating continuous compliance during the applicable reporting period. Such monitoring data shall be of sufficient quality to be used as a basis for enforcing all applicable requirements including emission limitations; and

(d) A statement requiring the owner or operator to comply with all applicable requirements.

(III) Approval shall expire if construction or reconstruction has not commenced within eighteen (18) months of issuance, unless the permitting authority has granted an extension. However, in no case will approval extend beyond thirty (30) months from the date of issuance if construction or reconstruction have not commenced.

E. Opportunity for public comment on the construction permit shall follow the procedure found in subsection (12)(B), Appendix B, Public Participation, **of this rule**.

F. EPA notification. The permitting authority shall send a copy of the final construction permit or other notice of approval issued to the administrator through the appropriate regional office, and to all other state and local air pollution control agencies having jurisdiction in affected states;

G. Compliance date. On and after the date of start-up, a constructed or reconstructed major source which is subject to these requirements shall be in compliance with all applicable requirements specified in the MACT determination.

**[(E)](D)** Requirements for constructed or reconstructed major sources subject to a subsequently promulgated standard or MACT requirement.

1. If an emission standard is promulgated under section 112(d) or section 112(h) of the Clean Air Act or the state issues a determination under section 112(j) of the Clean Air Act that is applicable to a stationary source or group of sources which would be deemed to be a constructed or reconstructed major source under **this** section **[(9)]** before the date that the owner or operator has obtained a final and legally effective MACT determination under any of the review options available in this rule, the owner or operator of the source(s) shall comply with the promulgated standard or determination rather than any MACT determination under **this** section **[(9)]** by the state, and the owner or operator shall comply with the promulgated standard by the compliance date in the promulgated standard.

2. If an emission standard is promulgated under section 112(d) or section 112(h) of the Clean Air Act or the state issues a determination under section 112(j) of the Clean Air Act that is applicable to a stationary source or group of sources which would be deemed to be a constructed or reconstructed major source under **this** section **[(9)]** and has been subject to a prior case-by-case MACT determination pursuant to **this** section **[(9)]**, and the owner or operator obtained a final and legally effective case-by-case MACT determination prior to the promulgated date of such emission standard, then the state shall (if the initial part 70 permit has not yet been issued) issue an initial operating permit which incorporates the emission standard or determination, or shall (if the initial part 70 permit has been issued) revise the operating permit according to the reopening procedures in 40 CFR part 70 or part 71, whichever is relevant, to incorporate the emission standard or determination.

A. The EPA may include in the emission standard established under section 112(d) or section 112(h) of the Clean Air Act a specific compliance date for those sources which have obtained a final and legally effective MACT determination under **this** section **[(9)]** and which have submitted the information required by **this** section **[(9)]** to the EPA before the close of the public comment period for the standard established under section 112(d) of the Clean Air Act. Such date shall assure that the owner or operator shall comply with the promulgated standard as expeditiously as practicable, but no longer than eight (8) years after such standard is promulgated. In that event, the state shall incorporate the applicable compliance date in the part 70 operating permit.

B. If no compliance date has been established in the promulgated **section 112(d) or 112(h) standard or section 112(j) determination**, for those sources which have obtained a final and legally effective MACT determination under **this** section **[(9)]**, then the permitting authority shall establish a compliance date in the permit that assures that the owner or operator shall comply with the promulgated standard or determination as expeditiously as practicable, but not longer than eight (8) years after such standard is promulgated or a section 112(j) determination is made.

3. Notwithstanding the requirements of paragraphs (9)**[(E)](D)**1. and 2. **of this rule**, if an emission standard is promulgated under section 112(d) or section 112(h) of the Clean Air Act or the state issues a determination under section 112(j) of the Clean Air Act that is applicable to a stationary source or group of sources which was deemed to be a constructed or reconstructed major source under **this** section **[(9)]** and which is the subject of a prior case-by-case MACT determination pursuant to **this** section **[(9)]**, and the

level of control required by the emission standard issued under section 112(d) or section 112(h) or the determination issued under section 112(j) is less stringent than the level of control required by any emission limitation or standard in the prior MACT determination, the state is not required to incorporate any less stringent terms of the promulgated standard in the part 70 operating permit applicable to such source(s) and may in its discretion consider any more stringent provisions of the prior MACT determination to be applicable legal requirements when issuing or revising such operating permit.

#### (10) Permit Amendments and Fees.

##### (A) Permit Fees.

1. All installations or source operations requiring permits under this rule shall make application to the permitting authority and submit the application with a permit filing fee of one hundred dollars (\$100). Failure to submit the permit filing fee constitutes an incomplete permit application according to paragraph (12)(A)2. of this rule.

2. Upon the determination that a complete application for a permit or a permit amendment has been received, a fee for permit processing in the amount of fifty dollars (\$50) per hour of actual staff time will begin to accrue. In lieu of the fifty-dollar (\$50) per-hour review fee, for projects subject to review under paragraph (4)(D)1. of this rule, a fee of two hundred dollars (\$200) shall be submitted by the applicant.

3. The applicant shall submit fees for the processing of the permit application within ninety (90) calendar days of the final review determination, whether the permit is approved, denied, withdrawn, or not needed. After the ninety (90) calendar days, the unpaid processing fees shall have interest imposed upon the unpaid amount at the rate of ten percent (10%) per annum from the date of billing until payment is made. Failure to submit the processing fees after the ninety (90) calendar days will result in the permit being denied (revoked for portable installation location amendments) and the rejection of any future permit applications by the same applicant until the processing fee plus interest have been paid.

4. In addition to permit filing and processing fees, the applicant shall pay for any publication of notice required and shall pay for the original and one (1) copy of the transcript, to be filed with the permitting authority, of any hearing required under this rule. No permit shall be issued until all publication and transcript costs have been paid.

5. Partially processed permits that are withdrawn after submittal shall be charged at the same processing fee rate in paragraph (10)(A)2. **of this rule** for the time spent processing the application.

6. The commission may reduce the permit processing fee or exempt any person from payment of the fee upon an appeal filed with the commission stating and documenting that the fee will create an unreasonable economic hardship upon the person.

7. Any person who obtains a valid permit from a city or county holding a certificate of authority granted by the commission under section 643.140, RSMo, shall be deemed to have met the fee requirements of this section for that permit.

#### (11) Tables.

(B) Table 2—*[De Minimis Ambient Air Quality Impacts.] Significant Monitoring Concentrations.*

Pollutant	Air Quality Impact
Carbon monoxide	575, 8-hour average
Nitrogen dioxide	14, annual
Particulate matter— 10 micron (PM <sub>10</sub> )	10, 24-hour
Sulfur dioxide	13, 24-hour
Ozone	*
Lead	.1, 3-month
Mercury	0.25, 24-hour
Beryllium	.001, 24-hour

Fluorides	0.25, 24-hour
Vinyl chloride	15, 24-hour
Total reduced sulfur	10, 1-hour
Hydrogen sulfide	0.2, 1-hour
Reduced sulfur compounds	10, 1-hour

*Note: All impacts in micrograms per cubic meter.*

*\*No [de minimis air quality level] significant monitoring concentration is provided for ozone. However, any potential net increase of 100 tons per year, or more, of volatile organic compounds or nitrogen oxides subject to section (8) of this rule would require an ambient impact analysis, including the gathering of ambient air quality data.*

(D) Table 4—[Levels of Significant Air Quality Impact for Areas Not Meeting 10 CSR 10-6.010] Significant Levels for Air Quality Impact in Class II Areas.

Pollutant	Averaging Time (Hours)				
	Annual	24	8	3	1
SO <sub>2</sub>	1.0	5		25	
PM <sub>10</sub>	1.0	5			
NO <sub>2</sub>	1.0				
CO			.5		2

*Note: All impacts in micrograms per cubic meter, except for CO in milligrams per cubic meter.*

#### (12) Appendices.

##### (A) Appendix A, Permit Review Procedures.

1. Preapplication meeting. Prior to submittal of a complete permit application, the applicant may request a preapplication meeting with the permitting authority to discuss the nature of and apparent requirements for the forthcoming permit application. This meeting shall not fall under the permit fee requirements.

##### 2. Complete application.

A. The permitting authority shall review each application for completeness and shall inform the applicant within thirty (30) days if the application is not complete. In order to be complete, an application must include a completed application form and, to the extent not called for by the form, the information required in paragraph (12)(A)4. **of this rule.**

B. If the permitting authority does not notify the installation that its application is not complete within thirty (30) days of receipt of the application, the application shall be deemed complete. However, nothing in this subsection shall prevent the permitting authority from requesting additional information that is reasonably necessary to process the application.

(I) The permitting authority shall maintain a checklist to be used for the completeness determination. A copy of the checklist identifying the application's deficiencies shall be provided to the applicant along with the notice of incompleteness.

(II) If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or to take final action on that application, the permitting authority may request this additional information in writing. In requesting this information, the permitting authority shall establish a reasonable deadline for a response. The review period will be extended by the amount of time necessary to collect the required information.

(III) In submitting an application for amendment of a construction permit, the applicant may incorporate by reference those portions of the existing permit (and the permit application and any permit amendment) that describe products, processes, operations, and emissions. The applicant must identify specifically and list which portions of the previous permit, applications, or both, are incorporated by reference. In addition, a permit amendment applica-

tion must contain—

(a) Information specified in paragraph (12)(A)4. **of this rule** for those products, processes, operations, and emissions—

I. That are not addressed in the previous permit or application;

II. That are subject to applicable requirements that are not addressed in the previous permit or application; or

III. For which the applicant seeks permit terms and conditions that differ from those in the previous permit or application.

C. Confidential information. An applicant may submit information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210.

D. Filing fee. Each application must be accompanied by a one hundred-dollar (\$100) filing fee.

3. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application, upon becoming aware of the failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to the issuance of the construction permit.

4. Standard application form and required information. The director will provide a standard application package for applicant's use. An applicant shall submit an application package consisting of the standard application form and Emissions Information for Construction Permit Application. After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period. The application package must include all information needed to determine applicable requirements. The application must include information needed to determine the applicability of any applicable requirement. The applicant shall submit the information called for by the application form for each emissions unit at the installation to be permitted. The standard application form (and any attachments) shall require that the following information be provided:

A. Identifying information. The applicant's company name and address (or plant name and address if different from the company name), the owner's name and state registered agent, and the telephone number and name of the plant site manager or other contact person;

B. Processes and products. A description of the installation's processes and products (by two (2)-digit Standard Industrial Classification Code);

C. Emissions-related information. The following emissions-related information on the emission inventory forms:

(I) All emissions of regulated air pollutants. The permit application shall describe all emissions of regulated air pollutants emitted from each emissions unit, except as provided for by this section. The installation shall submit additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable;

(II) Identification and description of all emissions units whose emissions are included in part (12)(A)4.C.(I) **of this rule**, in sufficient detail to establish the applicability of all requirements;

(III) Emissions rates, or information that enables the permitting authority to determine such rates, in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any;

(IV) Information to the extent needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules;

(V) Identification and description of air pollution control equipment;

(VI) Identification and description of compliance monitoring devices or activities;



(VII) Limitations on installation operations affecting emissions or any work practice standards, where applicable, for all regulated air pollutants;

(VIII) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to section 123 of the Act); and

(IX) Calculations on which the information in items (12)(A)4.C.(I)–(VIII) of **this rule** is based;

D. Other specific information required under the permitting authority's rule to implement and enforce other applicable requirements of the Act or of these rules, or to determine the applicability of these requirements.

5. Certification by responsible official. Any application form or report submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification, shall be signed by a responsible official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

6. Receipt of the complete application. Upon receipt of a complete permit application, the permitting authority shall proceed with processing of the application.

7. Notification of processing fees. The permitting authority, as timely as possible, will notify the applicant in writing if the permit processing fee approaches one thousand dollars (\$1,000) and in one thousand-dollar (\$1,000) increments after that.

8. Public participation. For all applications for sources that emit five (5) or more tons of lead per year, or that contain good engineering practice stack height demonstrations, or that are subject to section (7) or (8) of this rule, the permitting authority shall follow the procedures for public participation as specified in section (12), Appendix (B) of **this rule**.

9. Final completeness determination. Final determination will be made on the following schedules:

A. The permitting authority will make final determinations for complete permit applications processed under section (7), (8), or (9) of this rule no later than one hundred [and] eighty-four (184) calendar days after receipt of a complete application, taking into account any additional time necessary for missing information;

B. The permitting authority will make final determination for complete permit applications processed under section (3), (4), (5), or (6) of this rule no later than ninety (90) calendar days after receipt of a complete application, taking into account any additional time necessary for missing information; and

C. If the permitting authority exceeds the time for review described in subparagraph/s/ (12)(A)9.A. or B. of this rule, the applicant shall not be required to pay the processing fee associated with the application.

10. Conditions required by permitting authority. The permitting authority may impose those conditions in a permit as may be necessary to accomplish the purposes of this rule, any applicable requirements, or the Air Conservation Law, Chapter 643, RSMo, and are no less stringent than any applicable requirements. Nothing in this rule shall be deemed to limit the power of the permitting authority in this regard. The following condition examples are solely for the purposes of illustration, and do not limit the generality of the preceding liberal sentence:

- A. Sampling ports of a suitable size, number, and location;
- B. Safe access to each port;
- C. Instrumentation to monitor and record emission data;
- D. Other sampling and testing facilities;
- E. Operating or work practice constraints to limit the maximum level of emissions;
- F. Emission control device efficiency specifications to limit the maximum level of emissions;
- G. Maximum level of emissions;
- H. Emission testing after commencing operations, to be con-

ducted by the owner or operator, as necessary to demonstrate compliance with applicable requirements or other permit conditions;

I. Data reporting; and

J. Post-construction ambient monitoring and reporting.

11. Drafts for public comment. Following review of an application, the permitting authority shall issue a draft permit for public comment, in accordance with subsection (12)(B) of this rule. The draft shall be accompanied by a statement setting forth the legal and factual basis for the draft permit conditions (including references to applicable statutory or regulatory provisions). The permitting authority shall send this statement to the administrator, to affected states, and to the applicant, and shall place a copy in the public file.

12. Additional procedures needed for unified reviews of **this rule's** section (6), (7), (8), or (9) unified review/s/ construction permit applications and part 70 operating permit applications.

A. Permit review by the administrator and affected states.

(I) Administrator review.

(a) Copies of applications, proposals, and final actions.

The applicant will provide two (2) copies of the information included in an application. The permitting authority will forward to the administrator one (1) copy of each permit application and each final operating permit.

(b) Administrator's objection. No permit shall be issued under this rule if the administrator objects to its issuance in writing within forty-five (45) days after receipt of the proposed permit and all necessary supporting information.

(c) Failure to respond to objection. If the permitting authority does not respond to an objection of the administrator by transmitting a revised proposed permit within ninety (90) days after receipt of that objection, the administrator may issue or deny the permit in accordance with the Act.

(d) Public petitions for objection. If the administrator does not object to a proposed permit action, any person may petition the administrator to make such an objection within sixty (60) days after expiration of the administrator's forty-five (45)-day review period.

I. This petition may only be based on objections raised during the public review process, unless the petitioner demonstrates that it was impracticable to raise objection during the public review period (including when the grounds for objection arose after that period).

II. If the administrator responds to a petition filed under this section by issuing an objection, the permitting authority will not issue the permit until the objection has been resolved. If the permit was issued after the administrator's forty-five (45)-day review period, and prior to any objection by the administrator, the permitting authority shall treat that objection as if the administrator were reopening the permit for cause. In these circumstances, the petition to the administrator does not stay the effectiveness of the issued permit, and the permittee shall not be in violation of the requirement to have submitted a complete and timely permit application.

(II) Affected state review.

(a) Notice of draft actions. The permitting authority will give notice of each draft permit to any affected state on or before the time that the permitting authority provides notice to the public. Affected states may comment on the draft permit action during the period allowed for public comment, as shall be set forth in a notice to affected states.

(b) Refusal to accept recommendations. If the permitting authority refuses to accept all recommendations for a proposed permit action that any affected state has submitted during the review period, the permitting authority shall notify the administrator and the affected state in writing of its reasons for not accepting those recommendations.

B. Proposals for review. Following the end of the public comment period, the permitting authority shall prepare and submit to the administrator a proposed permit.



(I) The proposed permit shall be issued no later than forty-five (45) days after the deadline for final action under this section and shall contain all applicable requirements that have been promulgated and made applicable to the installation as of the date of issuance of the draft permit.

(II) If new requirements are promulgated or otherwise become newly applicable to the installation following the issuance of the draft permit, but before issuance of a final permit, the permitting authority may elect to either—

(a) Extend or reopen the public comment period to solicit comment on additional draft permit provisions to implement the new requirements; or

(b) If the permitting authority determines that this extension or reopening of the public comment period would delay issuance of the permit unduly, the permitting authority may include in the proposed or final permit, or both, a provision stating that the operating permit will be reopened immediately to incorporate the new requirements and stating that the new requirements are excluded from the protection of the permit shield. If the permitting authority elects to issue the proposed or final permit, or both, without incorporating the new requirements, the permitting authority, within thirty (30) days after the new requirements become applicable to the source, shall institute proceedings pursuant to this section to reopen the permit to incorporate the new requirements. These reopening proceedings may be instituted, but need not be completed, before issuance of the final permit.

C. Action following the administrator's review.

(I) Upon receipt of notice that the administrator will not object to a proposed permit that has been submitted for the administrator's review pursuant to this section, the permitting authority shall issue the permit as soon as practicable, but in no event later than the fifth day following receipt of the notice from the administrator.

(II) Forty-five (45) days after transmittal of a proposed permit for the administrator's review, and if the administrator has not notified the permitting authority that s/he objects to the proposed permit action, the permitting authority shall promptly issue the permit, but in no event later than the fiftieth day following transmittal to the administrator.

(III) If the administrator objects to the proposed permit, the permitting authority shall consult with the administrator and the applicant, and shall submit a revised proposal to the administrator within ninety (90) days after the date of the administrator's objection. If the permitting authority does not revise the permit, the permitting authority will so inform the administrator within ninety (90) days following the date of the objection and decline to make those revisions. If the administrator disagrees with the permitting authority, the administrator may issue the permit with the revisions incorporated.

13. Notification in writing. After making a final determination whether the permit should be approved, approved with conditions, or denied, the permitting authority shall notify the applicant in writing of the final determination and the total permit processing fees due.

14. Notice of processing fees due. If payment of permit processing fees has not been received from the applicant eighty (80) calendar days after the final determination, the permitting authority shall issue in writing to the applicant a final notice of payment due.

15. Processing fees unpaid. If payment of permit processing fees has not been received from the applicant ninety (90) calendar days after the final determination, the permitting authority shall notify the applicant that the permit has been denied, provided the application previously had been approved in the final determination. The permitting authority also shall advise the applicant that the fee is still due and, as specified in paragraph (10)(A)3. **of this rule**, the fee shall have interest imposed upon it from the date of billing until payment is made.

16. Payment received. No later than three (3) calendar days after receipt of the whole amount of the fee due, the permitting authority will send the applicant a notice of payment received. The permit will also be issued at this time, provided the final determina-

tion was for approval and the permit processing fee was timely received.

(B) Appendix B, Public Participation.

1. This subsection shall apply to applications for unified review, as well as applications under sections (7) and (8) **of this rule**, applications for source operations or installations emitting five (5) or more tons of lead per year, and applications containing GEP stack height demonstrations as defined in 10 CSR 10-6.020(1)(G)3.A.-C.

2. For those applications subject to section (7) or (8) **of this rule**, completing the final determination within one hundred eighty-four (184) days after receipt of a complete application involves performing the following actions in a timely manner:

A. Preliminary determination. Within ninety (90) days after receipt of a complete application, the permitting authority shall make a preliminary determination whether construction should be approved, approved with conditions, or denied;

B. *[Public notice of hearing]* **Draft for public comment and public hearing opportunity.** No later than ten (10) days after the close of the preliminary review period, the permitting authority shall *[cause]* **issue a draft permit and solicit comments by publishing a notice *[to be published]*** in a newspaper of general circulation within or nearest to the county in which the project is proposed to be constructed or operated. The public notice shall describe the nature of the application, including, with reasonable specificity, the following: name, address, phone number, and representative of the agency issuing the public notice; name and address of the applicant; and the proposed project, including its location and permits applied for; a description of the amount and location of emission reductions that will offset the emissions increase from the new or modified source~~/,~~; and include information on how LAER was determined for the project (where appropriate). The public notice shall also include degree of increment consumption, when appropriate, the permitting authority's preliminary determination of whether or not to approve, approve with conditions or deny, and any reference to conditions relating to visibility as required in paragraph (8)(C)5. **of this rule.** The notice shall state~~/,~~ **that the department will hold a public hearing *[shall be held,*** if one is requested, *[concerning the permit application,* at which time any interested person may submit any relevant information, materials, and views in support of or opposed to the permit applied for. The notice shall state the location and time of the public hearing *[if one is requested],* with the hearing being held in the county in which all or a major part of the proposed project is to be located and *[with]* **state that the hearing *[being held]* will be canceled if a request for a hearing is not received within twenty-eight (28) days of the publication of the notice. The hearing shall be scheduled** not less than thirty (30) nor more than forty (40) days *[after]* from the date of publication of the notice. The notice also shall state that any interested person may submit relevant information materials and views to the permitting authority, in writing, until the end of the **fortieth day *[on which the public hearing is held, or would be held if requested]* after the date of publication of the notice for public hearing.** The notice shall further state that a copy of materials submitted by the applicant and used in making the preliminary determination, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination are available for public inspection at the Department of Natural Resources' regional office in the region in which the proposed installation or major modification would be constructed, as well as at the Jefferson City Central Office of the Air Pollution Control Program. The permitting authority shall submit a copy of this public notice to the administrator;

C. Availability of preliminary determination. After the close of the preliminary review period, but no later than the date public notice is published, the permitting authority shall make available to the public, until the end of the public comment period, at the regional office in the region in which the proposed installation or major modification would be constructed, as well as in the Air Pollution

Control Program Office in Jefferson City, a copy of the preliminary determination, and a copy of summary of other materials, if any, considered in making the preliminary determination;

D. The permitting authority may designate another person to conduct any hearing under this section;

E. Distribution of public notice. Within ten (10) days after the close of the preliminary review period, the permitting authority shall send a copy of the public notice to the applicant and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: local air pollution control agencies, the chief executive of the city and county where the installation or modification would be located, any comprehensive regional land use planning agency, any state air program permitting authority, and any Federal Land Manager (FLM) whose lands may be affected by emissions from the installation or modification;

F. Public comment and applicant response. The permitting authority shall consider all written comments submitted within the time specified in the public notice and all comments received at the public hearing, if one is held, in making a final decision on the approvability of the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The permitting authority shall consider the applicant's response in making a final decision. The permitting authority shall make all comments available for public inspection in the same locations where the permitting authority made available prehearing information relating to the proposed installation or modification. Further, the permitting authority shall prepare written response to all comments and make them available at the locations referred to previously;

G. Final determination. The permitting authority shall make a final determination whether construction should be approved, approved with conditions, or denied pursuant to this rule, then notify the applicant in writing of the final determination and make this notification available for public inspection at the same locations where the permitting authority made available prehearing information and public comments relating to the installation or modification. The permitting authority shall submit a copy of this final determination to the administrator;

H. Public notice exception. If the administrator has provided public notice and opportunity for public comment and hearing equivalent to that provided by this subsection, the permitting authority may make a final determination without providing public notice and opportunity for public comment and hearing required by this subsection; and

I. Class I area visibility review and notice to the FLM.

(I) For proposed installation subject to specific permit requirements in sections (7) and (8) of this rule, but not dependent on any quantity of lead emissions as stated in paragraph (12)(B)1. **of this rule**, the permitting authority shall provide advance notification to any FLM where, in the judgment of the permitting authority, visibility may be affected in a Class I area of the FLM's responsibility. The notice shall be provided within thirty (30) days of receipt of an initial application or when first learning of the applicant's intent for a permit.

(II) No later than thirty (30) days after receipt of a complete application, the permitting authority shall make written notification to the FLM whose Class I area (those designated in paragraph (12)(I)3. **of this rule**) may be affected by emissions from the proposed source. The notification must include all information relevant to the permit application and shall include an analysis of anticipated Class I visibility impacts. The permitting authority may also make this notification to any additional FLM whose Class I area's visibility, in the judgment of the permitting authority, may be impacted.

(III) The permitting authority shall consider any analysis performed by an FLM that is provided to the permitting authority within thirty (30) days of the FLM's receipt of the notification and analysis required in part (12)(B)2.I.(II) **of this rule**. Where the FLM's analysis indicates that an adverse impact on visibility (as

defined in 10 CSR 10-6.020) would occur in a Class I area as a result of the proposed project, and analysis does not demonstrate an adverse impact to the permitting authority's satisfaction, the permitting authority shall so indicate the dissatisfaction in the public notice of hearing. With this condition, the public notice also shall contain the location where an explanation of the permitting authority's reasoning can be found, and that the explanation be available for public inspection no later than the date public notice is published.

3. This paragraph is for those applications not subject to section (7) or (8) **of this rule**, but which propose an emission of five (5) or more tons of lead per year or applications containing GEP stack height demonstrations. For these applications, completing the final determination within ninety (90) calendar days after receipt of the complete application involves performing the same public participation activities as those subject to section (7) or (8) **of this rule**, but with shorter time frames. The following specifies the new time frames:

A. Permitting authority's preliminary determination—No later than forty-five (45) calendar days after receipt of a complete application;

B. Public notice of hearing—No later than five (5) calendar days after the preliminary determination;

C. Public hearing—No later than thirty (30) calendar days after the date of the public notice; and

D. Applicant response—No later than five (5) calendar days after the end of the public comment period, the applicant may submit a written response to any comments submitted.

(F) Appendix F, Air Quality Models.

1. All estimates and analyses of ambient concentrations shall be based on the applicable air quality models, data bases, and other requirements specified in the **Environmental Protection Agency's (EPA) Guideline on Air Quality Models [(Revised, July 1986)] (EPA 450/2-78-027R) [and] including [S]supplements [A (July 1987)] at the time of application.**

2. Any model(s) designated in paragraph (12)(F)1. **of this rule** may be adjusted upon a determination by the administrator and the permitting authority, after notice and opportunity for public hearing, that the adjustment is necessary to take into account unique terrain or meteorological characteristics of an area potentially affected by emissions from the source. Methods like those outlined in the *Workbook for the Comparison of Air Quality Models* (United States EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, May 1978) should be used to determine the comparability of air quality models.

3. Where the *Guideline on Air Quality Models [(Revised, July 1986)] (EPA 450/2-78-027R) [and] including [S]supplements [A (July 1987)] at the time of application* does not address a situation requiring modeling, the administrator and the permitting authority, after notice and opportunity for public hearing, may approve the use of a model which they deem accurate for modeling that situation.

(G) Appendix G, Increment Tracking.

1. The permitting authority will track ambient air increment consumption at fixed baseline locations within the baseline areas.

2. Available increment will be allocated on a first-come, first-serve basis. The marked received date of a complete application will be used by the permitting authority to determine which applicant is entitled to prior allocation of increments.

3. At the intervals of five (5) years from the baseline date, the permitting authority shall determine the actual air quality increment available or consumed for a location(s) for which complete air monitoring data exists using subsection (11)(C), Table 3, **of this rule**.

4. Exclusions from increment consumption. Upon written request of the owner or operator of an installation, made after notice and opportunity for at least one (1) public hearing to be held in accordance with the procedures established in subsection (12)(B) **of this rule**, the permitting authority shall exclude the following concentrations in determining consumption of a maximum allowable increase:

A. Concentrations attributable to the increase in emissions from installations which have converted from the use of petroleum products, natural gas, or both, by reason of an order in effect under sections 2(a) and (b) of the Energy Supply Environmental Coordination Act of 1974 over the emissions from those sources before the effective date of the order;

B. Concentrations attributable to the increase in emissions from installations which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from those sources before the effective date of the plan;

C. Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities, however;

D. No exclusion of these concentrations shall apply more than five (5) years after the effective date of the order to which subparagraph (12)(G)4.A. of this rule refers or the plan to which subparagraph (12)(G)4.B. of this rule refers, whichever is applicable. If both the order and the plan are applicable, no exclusion shall apply more than five (5) years after the later of the effective dates.

(H) Appendix H, Impacts on Class I Areas.

1. At any time prior to the close of the public comment period specified in subsection (12)(B) of this rule, the FLM for any federal Class I area may provide information to the permitting authority demonstrating that the emissions from the proposed installation or major modification would have an adverse impact on the air quality-related values (including visibility) of any federal mandatory Class I area, notwithstanding that the change in air quality, resulting from emissions from the installation or major modification, would not cause or contribute to concentrations which would exceed the maximum allowable increase for a Class I area, as specified in subsection (11)(A), Table 1, of this rule. If the permitting authority concurs in the demonstration by the FLM, the permit shall be denied.

2. Class I variances. The owner or operator of a proposed installation or major modification may demonstrate to the FLM that the emissions from the source would have no adverse impact on the air quality-related values of any federal mandatory Class I area (including visibility), notwithstanding that the change in air quality resulting from emissions from the source would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the FLM concurs with a demonstration and so certifies to the permitting authority, the permitting authority, providing that all other applicable requirements of this rule are met, may issue the permit with those emission limitations as may be necessary to assure that emissions of sulfur dioxide, particulate matter, and nitrogen dioxide would not exceed the following maximum allowable increases over baseline concentration for these pollutants:

Pollutant	Maximum Allowable Increase
<u>Particulate Matter 10 Micron:</u>	
Annual arithmetic mean	17
24-hour maximum	30
<u>Sulfur Dioxide:</u>	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	325
<u>Nitrogen Dioxide:</u>	
Annual arithmetic mean	25

*Note: Increases are in micrograms per cubic meter.*

3. Sulfur dioxide variance by governor with FLM's concurrence.

A. If the owner or operator of a proposed installation or major modification who has been denied an FLM's certification pur-

suant to paragraph (12)(H)1. of this rule demonstrates to the governor that the installation or major modification cannot be constructed as a result of any maximum allowable increase for sulfur dioxide for periods of twenty-four (24) hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that a variance under this part would not adversely affect the air quality-related values of the area (including visibility), then the governor, after consideration of the FLM's recommendation (if any) and subject to his/her concurrence, may grant, after notice and an opportunity for a public hearing, a variance from these maximum allowable increases.

B. If a variance is granted, the permitting authority may issue a permit to an installation or major modification in accordance with the requirements of paragraph (12)(H)5. of this rule, provided that all other applicable requirements of this rule are met.

4. Variance by the governor with the president's concurrence.

A. The recommendations of the governor and the FLM shall be transferred to the president in any case where the governor recommends a variance in which the FLM does not concur.

B. If this variance is approved by the president pursuant to 42 U.S.C.A. section 7475(d)(2)(D)(ii), the permitting authority may issue a permit in accordance with the requirements of paragraph (12)(H)5. of this rule provided that all other applicable requirements of this rule are met.

5. Emission limitations for presidential or gubernatorial variance.

A. In the case of a permit issued pursuant to paragraph (12)(H)3. or 4. of this rule, the permitting authority shall impose, as conditions of the permit, emission limitations as may be necessary to assure that emissions of [sulfurdioxide] sulfur dioxide from the installation or major modification (during any day on which the otherwise applicable maximum allowable increases are exceeded) will not cause or contribute to concentrations which will exceed the following maximum allowable increases over the baseline concentration:

**Maximum Allowable Increase  
(micrograms per cubic meter)**

Period of Exposure	Terrain Areas	
	Low	High
24-hour maximum	36	62
3-hour	130	221

B. These emission limitations also shall assure that the emissions will not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of twenty-four (24) hours or less for more than eighteen (18) days, not necessarily consecutive, during any annual period.

6. The permitting authority shall transmit to the administrator a copy of each permit application under this subsection (12)(H) of this rule and provide notice to the administrator of every action related to the consideration of a permit.

(I) Appendix I, Attainment and Unclassified Area Designations.

1. Area classification.

A. The following areas shall be Class I areas and may not be redesignated:

(I) Hercules Glade National Wilderness Area; and

(II) Mingo National Wilderness Area.

B. Any other area, unless specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this section.

C. The following areas may be redesignated only as Class I or II:

(I) An area which as of August 7, 1977, exceeded ten thousand (10,000) acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore; and

(II) A national park or national wilderness area established after August 7, 1977, which exceeds ten thousand (10,000) acres in size.

2. Area redesignation.

A. All areas (except as otherwise provided under paragraph (12)(I)1. **of this rule**) are designated Class II as of December 5, 1974. Redesignation (except as precluded by paragraph (12)(I)1. **of this rule**) may be proposed by the commission as provided in this rule, subject to approval by the administrator.

B. The commission may submit to the administrator a proposal to redesignate areas of the state as Class I or Class II provided that—

(I) At least one (1) public hearing has been held in accordance with procedures established in **sections** 643.070 and 643.100, RSMo;

(II) Other states and FLMs whose lands may be affected by the proposed redesignation were notified at least thirty (30) days prior to the public hearing;

(III) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation, was prepared and made available for public inspection at least thirty (30) days prior to the hearing and the notice announcing the hearing containing appropriate notification of the availability of that discussion;

(IV) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, the commission has provided written notice to the appropriate FLM and afforded adequate opportunity (not in excess of sixty (60) days) to confer with the commission respecting the redesignation and to submit written comments and recommendations. In redesignating any area, with respect to which any FLM had submitted written comments and recommendations, the commission shall have published a list of any inconsistencies between the redesignation and comments and recommendations (together with the reasons for making redesignation against the recommendation of the FLM); and

(V) The commission has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

C. Any area other than an area to which paragraph (12)(I)1. **of this rule** refers may be redesignated Class III if—

(I) The redesignation would meet the requirements of provisions established in accordance with subparagraph (12)(I)2.B. **of this rule**;

(II) The redesignation has been approved by the commission and the governor;

(III) The redesignation has been approved by the governor after consultation with the appropriate committees of the legislature if it is in session, or with the leadership of the legislature if it is not in session;

(IV) General purpose units of local government, representing a majority of the residents of the area to be redesignated, adopt resolutions concurring in the redesignation;

(V) The redesignation would not cause or contribute to a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard; and

(VI) Any permit application for any installation or major modification subject to provisions established in accordance with subparagraph (12)(I)2.A. **of this rule** which could receive a permit only if the area in question were redesignated as Class III and any material submitted as part of that application were available, insofar as was practicable, for public inspection prior to any public hearing on redesignation of any area as Class III.

3. Area class designations.

Area Class	Description
Class I	Hercules Glade National Wilderness Area Mingo National Wilderness Area
Class II	All areas of the state which are not nonattainment
Class III	No areas designated

(J) Appendix J, Air Quality Analysis for Hazardous Air Pollutants.

1. The director shall maintain a table of emission threshold levels, risk assessment levels, and screening model action levels for hazardous air pollutants. Applicants will not be required to submit a hazardous air pollutant air quality analysis for applications having a maximum design capacity no more than the hazardous air pollutant emission threshold levels unless paragraph (12)(J)2. **of this rule** applies.

2. Exceptions. The director may require an air quality analysis for applications if it is likely that the construction or modification will result in the discharge of air contaminants in quantities, of characteristics and of a duration which directly and proximately cause or contribute to injury to human, plant, or animal life or the use of property or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

*AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., February 3, 2009. The public hearing will be held at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., February 10, 2009. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.100 Alternate Emission Limits.** The commission proposes to amend subsections (3)(D) and (3)(F). If the commission adopts this rule action, it will not be submitted to the U.S. Environmental Protection Agency for replacement in the Missouri

State Implementation Plan (SIP) because the current rule is not included in the SIP. The evidence supporting the need for this proposed rule-making is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/index.html](http://www.dnr.mo.gov/regs/index.html).

*PURPOSE: This rule allows installations in ozone nonattainment areas to propose alternate means of achieving reductions of volatile organic compounds emissions to those prescribed in rules establishing volatile organic compounds limits. This rule allows greater flexibility and efficiency in attaining the ambient air quality standards. The purpose of this amendment is to correct a reference made obsolete by a concurrent proposed rule action to 10 CSR 10-6.060 Construction Permit Required. Other amendments include two (2) minor administrative corrections made for the sake of clarity and consistency. The evidence supporting the need for this proposed rule-making, per section 536.016, RSMo, is the public hearing testimony on this rulemaking.*

(3) General Provisions.

(D) Criteria for Approval.

1. An Alternate Emission Limits Permit application must demonstrate that the proposed control will not cause total emissions from the source operations to exceed the level of emissions determined in subsection (3)(C) of this rule.

2. Applicants desiring to make use of emission reductions occurring at another installation must demonstrate that the emissions have occurred or will occur prior to the commencement of the alternate emission limit; and that the owner or operator of the installation from which emission reductions are obtained has entered a legally binding and enforceable agreement approved by the director or changed the installation's permit conditions to limit emissions of VOCs at the specified source operations to the levels and rates identified in the application.

3. No alternate emission limit may be approved which allows a new or modified source operation to exceed New Source Performance Standards (NSPS) in 10 CSR 10-6.070 or 40 CFR part 60 or the requirement for lowest achievable emission rate (LAER) in 10 CSR 10-6.060(7)(C)2.

4. No alternate emission limit may be approved which allows emissions of a hazardous pollutant from any source operation to exceed National Emission Standards for Hazardous Air Pollutants (NESHAPS) in 10 CSR 10-6.080 or 40 CFR part 61 or which allows emissions of a hazardous pollutant to increase for which a standard has not yet been promulgated.

5. An application proposing an emission decrease from process curtailments or source operation shutdowns will not be approved if the proposed decrease will be negated by countervailing emission increases occurring at other installations in the same area in response to the applicant's process curtailment or shutdown.

6. An application proposing to use emission reductions from the shutdown of an installation will not be approved. These reductions are available only to the owner of the shutdown installation for replacement purposes or to new or modified installations in the area as growth margin.

7. An application proposing to make use of emission reductions which occurred prior to applying for an alternate emission limit permit is subject to the following time constraints:

A. No application may be approved involving emission reductions which occurred prior to January 1, 1980, in the St. Louis metropolitan area or January 1, 1977, in the Kansas City metropolitan area unless the emission reductions were accounted for in the respective base year inventory as banked emission reduction credits;

B. For emission reductions which occurred between January 1, 1980, in St. Louis or January 1, 1977, in Kansas City and December 11, 1982, applications must be submitted within nine (9) months (September 11, 1983) after December 11, 1982, unless credit for the emission reductions is banked in accordance with 10 CSR 10-6.410; and

C. For emission reductions which occur after the effective date (December 11, 1982), applications must be submitted within one (1) year of the emission decrease unless credit for the emission reductions is banked in accordance with 10 CSR 10-6.410.

8. No application may be approved which proposes to use emission reductions which previously have been used to offset emission increases as described in 10 CSR 10-6.410 or to net against emission increases as discussed in the definitions of major modification and net emission increase in [10 CSR 10-6.020] **10 CSR 10-6.060(1)(A)**. Emission reductions used to create an alternate emission limit are likewise for the duration of the alternate emission limit not eligible to be banked, used for offset purposes, or used to net against emission increases.

9. An application must include an expeditious schedule of implementation that adheres as closely as possible to any compliance dates the source operation would otherwise be subject to.

10. An application will be approved only if it is determined that the alternate emission limit will not interfere with attainment and maintenance of the ambient air quality standard or create any public nuisance.

11. All alternate emission limits that are approved by the director will not be considered federally enforceable (and will not shield a source from the federal obligation to comply with the underlying emission limits) by the United States Environmental Protection Agency (EPA) until submitted to the EPA and approved by the EPA.

(F) Permanence of Emission Reductions. It shall be a violation of this rule for any person to operate an installation from which emission reductions were obtained so as to emit volatile organic compounds at levels greater than those identified in the agreement or permit conditions referred to in paragraph (3)(D)2. **of this rule.**

*AUTHORITY: section 643.050, RSMo 2000. Original rule filed June 14, 1982, effective Dec. 11, 1982. Amended: Filed Nov. 14, 2002, effective July 30, 2003. Amended: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., February 3, 2009. The public hearing will be held at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., February 10, 2009. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov).

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 6—Air Quality Standards, Definitions, Sampling**  
**and Reference Methods and Air Pollution Control**  
**Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.410 Emissions Banking and Trading.** The commission proposes to amend subsection (3)(B). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/index.html](http://www.dnr.mo.gov/regs/index.html).

*PURPOSE: This rule provides a mechanism for companies to acquire offsets for economic development in accordance with section 643.220, RSMo. The purpose of this amendment is to remove a reference to Clean Unit Projects. The federal Clean Unit Project provisions were vacated by court action on June 24, 2005, as part of the litigation related to the 2002 Environmental Protection Agency's (EPA) New Source Review reforms. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the EPA final rule, removing the vacated provisions, published in the June 13, 2007, **Federal Register** (72 FR 32526) and a letter dated February 28, 2006, from the director of the Air Pollution Control Program to the EPA committing the department to removing references to these vacated provisions in a timely fashion.*

(3) General Provisions.

(B) ERC Generation.

1. Computation of ERCs.

A. The number of ERCs shall be the difference between—

(I) The amount of actual emissions that would have been emitted during the generation period based on actual activity levels during that period and normal source operation; and

(II) The amount of actual emissions during the generation period based on actual activity levels during that period.

B. Protocols. The amount of ERCs must be calculated using quantification protocols that meet the requirements of paragraph (3)(B)7. of this rule.

2. Limitations on generation. An ERC shall not be created by emissions reductions of activities or source categories identified in this subsection:

A. Permanent shutdowns or curtailments, unless it meets the requirements of paragraph (3)(A)10. of this rule;

B. Modification or discontinuation of any activity that is otherwise in violation of any federal, state, or local requirements;

C. Emission reductions required to comply with any state, federal, or local action including but not limited to:

(I) State, federal, or local consent agreements;

(II) Any provision of a state implementation plan; or

(III) Requirements for attainment of a National Ambient Air Quality Standard;

D. Emission reductions of hazardous air pollutants from application of a standard promulgated under section 112 of the Clean Air Act;

E. Reductions credited or used under any other emissions trading program;

F. Emission reductions occurring at a source which received an alternate emission limit to meet a state reasonably available control technology (RACT) requirement, except to the extent that the emissions are reduced below the level that would have been required

had the alternate emission limit not been issued; or

G. Emission reductions previously used in determining net emission increases or used to create alternate emission limits; or/.

*[H. Emission reductions used to initially qualify a project for a pollution control project exclusion.]*

3. Notice and Certification of Generation.

A. The owner or operator of a generator source shall provide a Notice and Certification of Generation to the Missouri Department of Natural Resources no later than ninety (90) days after the ERC generation activity was completed.

B. Required information. The Notice and Certification of Generation shall include the information specified in subsection (4)(B) of this rule.

C. The department shall review the Notice of Generation and notify the authorized account representative of approval or denial of the Notice of Generation within thirty (30) days of receipt of the notice.

D. The Notice and Certification of Generation shall be accompanied by an operating permit modification application.

E. Certification under penalty of law. Any Notice and Certification of Generation submitted pursuant to this subsection shall contain certification under penalty of law by a responsible official of the generator source of truth, accuracy, and completeness. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

4. ERC use.

A. Time of acquisition. ERCs may not be used until they are acquired by the user source.

B. Sufficiency. The user source must hold sufficient ERCs to cover its offset obligation.

C. Offset calculation. The amount of ERCs needed to offset emissions shall be the anticipated actual emissions multiplied by the offset ratio.

D. Notice of Intent to Use ERCs.

(I) ERCs may be used only if the authorized account representative of the user source submits to the staff director of the Missouri Department of Natural Resources' Air Pollution Control Program a Notice of Intent to Use.

(II) Required information. The Notice of Intent to Use ERCs shall include the information specified in subsection (4)(C) of this rule.

(III) The department shall review the Notice of Intent to Use and notify the facility of approval or denial within thirty (30) days of receipt of the notice.

(IV) The Missouri Department of Natural Resources' Air Pollution Control Program shall reserve the specified ERCs when the permit application is deemed complete by the Initial Review Unit.

(V) Upon issuance of the construction permit, the appropriate number of reserved ERCs shall be permanently retired.

E. Notice of Withdrawal.

(I) An account holder may at any time withdraw ERCs from the program.

(II) Required information. The Notice of Withdrawal shall include the information specified in subsection (4)(D) of this rule.

(III) The department shall review the Notice of Withdrawal and notify the facility of approval or denial within thirty (30) days. Upon approval, the specified ERCs shall be removed from the facility's account.

F. Notice of Transfer.

(I) Account holders seeking an account transfer must submit a Notice of Transfer.

(II) Required information. The Notice of Transfer shall include the information specified in subsection (4)(E) of this rule.

(III) The department shall review the Notice of Transfer and notify the facilities of approval or denial within thirty (30) days. Upon approval, the specified ERCs shall be transferred to the specified account.

5. Use limitations. ERCs may not be used—

A. Before acquisition by the user of the ERCs;

B. For netting or to avoid the applicability of NSR requirements;

C. For NSR offsets unless the requirements of paragraph (3)(B)8. of this rule are met;

D. To meet Clean Air Act requirements for new source performance standards (NSPS) under section 111; lowest achievable emission rate (LAER) standards; best available control technology (BACT) standards; hazardous air pollutant (HAP) standards under section 112; reasonably available control technology (RACT);

E. To meet the requirements for one (1) class of criteria pollutants or precursor by using ERCs generated in a different class of pollutants or precursors (e.g., NO<sub>x</sub> reductions may not be exchanged for volatile organic compound (VOC) increases, or vice-versa); or

F. To meet requirements contained in Title IV of the Federal Clean Air Act.

6. Geographic scope of trading.

A. ERCs may be used in a nonattainment or maintenance area only if generated in the same nonattainment or maintenance area.

B. ERCs generated inside a modeling domain may be used in the same modeling domain. Trading of ERCs within a modeling domain is subject to the limitations of subparagraph (3)(B)6.A. of this rule.

C. Interstate trading. (*Reserved*)

7. Protocol development and approval. To quantify the amount of ERCs generated and the amount needed for compliance, all sources shall use the following hierarchy as a guide to determine the most desirable emission data to report to the department. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method shall be used in its place:

A. Continuous Emission Monitoring System (CEMS) as specified in 10 CSR 10-6.110;

B. Stack tests as specified in 10 CSR 10-6.110;

C. Material/mass balance;

D. AP-42 (Environmental Protection Agency (EPA) Compilation of Air Pollution Emission Factors) or FIRE (Factor Information and Retrieval System);

E. Other U.S. EPA documents as specified in 10 CSR 10-6.110;

F. Sound engineering calculations; **or**

G. Facilities shall obtain department approval of emission estimation methods other than those listed in subparagraphs (3)(B)7.A.–F. of this rule before using any such method to estimate emissions in the submission of data.

8. ERC use for NSR. All ERCs used to meet NSR offset requirements shall comply with the requirements of state rule 10 CSR 10-6.060 Construction Permits Required.

9. Compliance burden.

A. The ERC user source is responsible for assuring that the generation and use of ERCs comply with this rule.

B. The ERC user source (not the enforcing authority) bears the burden of proving that ERCs used are valid and sufficient and that the ERC use meets all applicable requirements of this rule. The ERC user source is responsible for compliance with its underlying obligations. In the event of enforcement against the user source for non-compliance, it shall not be a defense for the purpose of determining civil liability that the user source relied in good faith upon the generator source's representations.

C. In the event of an invalid ERC, the generator source shall receive a Notice of Violation and the ERC user must find additional ERCs to comply with offset requirements.

10. Sources that emit less than ten (10) tons per year. (*Reserved*)

*AUTHORITY: section 643.050, RSMo 2000 and section 643.220, RSMo Supp. [2003] 2007. Original rule filed Aug. 2, 2002, effective*

*April 30, 2003. Amended: Filed May 17, 2004, effective Dec. 30, 2004. Amended: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., February 3, 2009. The public hearing will be held at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., February 10, 2009. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov).*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 3—Hazardous Waste Management System:  
General**

**PROPOSED AMENDMENT**

**10 CSR 25-3.260 Definitions, Modifications to Incorporations and Confidential Business Information.** The commission is amending section (1) and subsection (3)(M).

*PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the Code of Federal Regulations (CFR). Currently, the regulations incorporate by reference the 2004 CFR, which includes changes through July 1, 2004. One (1) of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2006 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2004, and July 1, 2006, and also changes contained in the federal rule for cathode ray tubes published at 71 FR 42928 on July 28, 2006. Department staff have reviewed the changes made to 40 CFR part 260, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the Code of Federal Regulations.*

(1) The regulations set forth in 40 CFR part 260, July 1, [2004] 2006, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, **and the changes made at 71 FR 42928, July 28, 2006,** are incorporated by reference, **except for the changes made at 70 FR 53453, September 8, 2005,** subject to the following additions, modifications, substitutions, or deletions. This rule does not incorporate any subsequent amendments or additions.



(A) Except where otherwise noted in sections (2) and (3) of this rule or elsewhere in 10 CSR 25, any federal agency, administrator, regulation, or statute that is referenced in 40 CFR parts 260–270, 273, and 279, and incorporated by reference in 10 CSR 25, shall be deleted and in its place add the comparable state department, director, rule, or statute. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

1. “Director” shall be substituted for “Administrator” or “Regional Administrator” except where those terms are defined in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25. **All applications, approvals, petitions, appeals, or other paperwork associated with the United States Environmental Protection Agency’s “National Environmental Performance Track” shall not be submitted to the director in lieu of the administrator or regional administrator.**

2. “Missouri Department of Natural Resources” shall be substituted for “EPA,” “U.S. EPA,” or “U.S. Environmental Protection Agency” except where those terms appear in definitions in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

3. “Section 260.395.15, RSMo,” shall be substituted for “Section 3005(e) of RCRA.”

4. “Sections 260.375(9), 260.380.1(9), 260.385(7), and 260.390(7), RSMo,” shall be substituted for “Section 3007 of RCRA.”

5. “Sections 260.410 and 260.425, RSMo,” shall be substituted for “Section 3008 of RCRA.”

6. “10 CSR 25-3.260” shall be substituted for any reference to 40 CFR part 260.

7. “10 CSR 25-4.261” shall be substituted for any reference to 40 CFR part 261.

8. “10 CSR 25-5.262” shall be substituted for any reference to 40 CFR part 262.

9. “10 CSR 25-6.263” shall be substituted for any reference to 40 CFR part 263.

10. “10 CSR 25-7.264” shall be substituted for any reference to 40 CFR part 264.

11. “10 CSR 25-7.265” shall be substituted for any reference to 40 CFR part 265.

12. “10 CSR 25-7.266” shall be substituted for any reference to 40 CFR part 266.

13. “10 CSR 25-7.268” shall be substituted for any reference to 40 CFR part 268.

14. “10 CSR 25-7.270” shall be substituted for any reference to 40 CFR part 270.

15. “10 CSR 25-8.124” shall be substituted for any reference to 40 CFR part 124.

16. “10 CSR 25-11.279” shall be substituted for any reference to 40 CFR part 279.

17. “10 CSR 25-16.273” shall be substituted for any reference to 40 CFR part 273.

18. “Sections 260.350–260.434, RSMo” shall be substituted for “Subtitle C of RCRA Act,” or “RCRA,” except where those terms are defined in 40 CFR 260.10, incorporated in this rule.

19. “Section 260.380.1(1), RSMo” shall be substituted for “Section 3010 of RCRA.”

20. “Section 260.420, RSMo” shall be substituted for “Section 7003 of RCRA.”

21. “Waste within the meaning of section 260.360(21), RSMo,” shall be substituted for “solid waste within the meaning of section 1004(27) of RCRA.” Residual materials specified as wastes under section 260.360(21), RSMo shall mean any spent materials, sludges, by-products, commercial chemical products, or scrap metal that are solid wastes under 40 CFR 261.2, as incorporated in 10 CSR 25-4.261.

22. “Section 260.360(9), RSMo” shall be substituted for “Section 1004(5) of RCRA.”

23. “Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, 10 CSR 25-3.260(1)(B) and 10 CSR 25-7.270(2)(B)” shall be substituted for any reference to the Federal Freedom of Information Act (5 U.S.C. 552(a) and (b)), 40 CFR part 2, or Section 3007(b) of RCRA.

24. “Owner/operator” shall be substituted for each reference to “owner and operator” and “owner or operator” in the 40 CFR parts incorporated in 10 CSR 25.

25. All quantities of solid waste which are defined as hazardous waste pursuant to 10 CSR 25-4 are hazardous waste and are regulated under sections 260.350–260.434, RSMo and 10 CSR 25. A person shall manage all hazardous waste which is not subject to requirements in 10 CSR 25 in accordance with subsection 260.380.2, RSMo. When a person accumulates one hundred kilograms (100 kg) of nonacute hazardous waste or one kilogram (1 kg) of acutely hazardous waste or one gram (1 g) of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), or the aggregate of one hundred kilograms (100 kg) of acute and nonacute hazardous waste, whichever first occurs, that person is subject to the provisions in 10 CSR 25. This provision is in addition to the calendar-month generation provisions in 40 CFR 261.5 which are incorporated by reference and modified in 10 CSR 25-4.261(2)(A).

26. The term variance in 10 CSR 25 means an action of the commission pursuant to section 260.405, RSMo. In any case where a federal rule that is incorporated by reference in 10 CSR 25 uses the term variance but the case-by-case decision or action of the department or commission does not meet the description of a variance pursuant to section 260.405, RSMo, the decision or action shall be considered an exception or exemption based on the conditions set forth in the federal regulation incorporated by reference or the omission from regulation.

27. The rules of grammatical construction in 40 CFR 260.3 incorporated by reference in this rule shall also apply to the incorporated text of 40 CFR parts 266 and 270 and to 10 CSR 25.

(3) Missouri Specific Definitions. Definitions of terms used in 10 CSR 25. This section sets forth definitions which modify or add to those definitions in 40 CFR parts 60, 260–270, 273, and 279[,] and 49 CFR parts 40, 171–180, 383, 387, and 390–397.

(M) Definitions beginning with the letter M.

[1. *Manifest means the shipping document form EPA 8700-22/MDNR-HWG 10 or EPA form 8700-22 which, in accordance with 10 CSR 25-5.262, shall be initiated by the generator.*

2. *Manifest document number means the U.S. EPA twelve (12)-digit identification number and the Missouri generator identification number assigned to the generator plus a consecutive five (5)-digit document number assigned to the manifest by the generator for recording and reporting purposes. (Note: These items are explained in the Missouri manifest instructions.)*

[3.]1. Missouri hazardous waste mileage means the total fleet miles that materials requiring a hazardous waste transporter license are transported in Missouri over a period specified by rule. Additionally, all miles traveled transporting containers with residues of these materials, as defined at 49 CFR 171.8, will be included in the Missouri hazardous waste mileage.

[4.]2. Motor vehicle means a vehicle, machine, tractor, trailer, or semitrailer, or any combination of them, propelled or drawn by mechanical power and used upon the highways in transportation. It does not include a vehicle, locomotive, or car operated exclusively on a rail(s).

*AUTHORITY: section[s] 260.370, RSMo Supp. [2005] 2007 and section 260.395, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 15, 2008.*



**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on December 18, 2008, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on December 26, 2008. Faxed or emailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 4—Methods for Identifying Hazardous Waste**

**PROPOSED AMENDMENT**

**10 CSR 25-4.261 Methods for Identifying Hazardous Waste.** The commission is amending section (1) and subsection (2)(A) and adding new subsection (2)(E).

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, the regulations incorporate by reference the 2004 CFR, which includes changes through July 1, 2004. One (1) of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2006 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2004, and July 1, 2006, and also changes contained in the federal rule for cathode ray tubes published at 71 FR 42928 on July 28, 2006. Department staff have reviewed the changes made to 40 CFR part 261, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 261, July 1, [2004] 2006, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, and the changes made at 71 FR 42928, July 28, 2006, and 72 FR 31185, June 6, 2007, are incorporated by reference, except for the changes made at 55 FR 50450, December 6, 1990, 56 FR 27332, June 13, 1991, 60 FR 7366, February 7, 1995, [and] 63 FR 33823, June 19, 1998, and 70 FR 53453,

September 8, 2005. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) This section sets forth specific modifications of the regulations incorporated in section (1) of this rule. A person required to identify a hazardous waste shall comply with this section as it modifies 40 CFR part 261 as incorporated in this rule. (Comment: This section has been organized in order that all Missouri additions, changes, or deletions to any subpart of the federal regulation are noted within the corresponding subsection of this section. For example, changes to 40 CFR part 261 subpart A will be located in subsection (2)(A) of this rule.)

(A) General. The following are changes to 40 CFR part 261 subpart A incorporated in this rule:

1. Material that is stored or accumulated in surface impoundments or waste piles is inherently waste-like as provided in 40 CFR 261.2(d) incorporated in this rule, and is a solid waste, regardless of whether the material is recycled;

2. A solid waste, as defined in 40 CFR 261.2, as incorporated in this rule, is a hazardous waste if it is a mixture of solid waste and one (1) or more hazardous wastes listed in 40 CFR part 261 subpart D, as incorporated in this rule, and has not been excluded from 40 CFR 261.3(a)(2), as incorporated in this rule, under 40 CFR 260.20 and 260.22, as incorporated in 10 CSR 25-3.260. However, mixtures of solid wastes and hazardous wastes listed in 40 CFR part 261 subpart D, as incorporated in this rule, are not hazardous wastes (except by application of 40 CFR part 261.3(a)(2)(i) or (ii), as incorporated in this rule) if the generator can demonstrate that the mixture consists of wastewater, the discharge of which is regulated under Chapter 644, RSMo, the Missouri Clean Water Law;

3. In Table 1 of 40 CFR 261.2, add an asterisk in column 3, row 6, Reclamation of Commercial Chemical Products listed in 40 CFR 261.33 and add the following additional footnote: "Note 2. Commercial chemical products listed in 40 CFR 261.33 are not solid wastes when the original manufacturer uses, reuses or legitimately recycles the material in his/her manufacturing process";

4. Except as provided otherwise in 40 CFR 261.3(c)(2)(ii), as incorporated in this rule, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run off) is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.);

5. In addition to the requirements in 40 CFR 261.3 incorporated in this rule, hazardous waste may not be diluted solely for the purpose of rendering the waste nonhazardous unless dilution is warranted in an emergency response situation or where the dilution is part of a hazardous waste treatment process regulated or exempted under 10 CSR 25-7 or 10 CSR 25-9;

6. Fly ash that is not regulated under sections 260.200–260.245, RSMo, or section 644.006–644.564, RSMo, or is not beneficially reused as allowed under 10 CSR 80-2.020(9)(B), and fails **Toxicity Characteristic Leaching Procedure** (TCLP) is not subject to the exclusion at 40 CFR 261.4(b)(4) and shall be disposed of in a permitted hazardous waste facility;

7. In 40 CFR 261.4(a)(8)(i) incorporated in this rule, substitute "is a totally enclosed treatment facility" for "through completion of reclamation is closed";

8. 40 CFR 261.4(a)(11) is not incorporated in this rule;

9. 40 CFR 261.4(a)(16) is not incorporated in this rule (Note: The paragraph at 40 CFR 261.4(a)(16) added by 63 FR 33823, June

19, 1998, is the paragraph not incorporated by 10 CSR 25-4.261(2)(A)9.);

10. Household hazardous waste which is segregated from the solid waste stream becomes a regulated hazardous waste upon acceptance by delivery at a commercial hazardous waste treatment, storage, or disposal facility. Any waste for which the commercial facility becomes the generator in this way shall not be subject to waste minimization requirements under 40 CFR 264.73(b)(9), as incorporated by 10 CSR 25-7.264(1), nor shall that facility be required to pay hazardous waste fees and taxes on that waste pursuant to 10 CSR 25-12.010;

11. A generator shall submit the information required in 40 CFR 261.4(e)(2)(v)(C) as incorporated in this rule to the department along with the *[summary manifest reports]* **Generator's Hazardous Waste Summary Report** required in 10 CSR 25-5.262(2)(D)1.;

12. The changes to 40 CFR 261.5, special requirements for hazardous waste generated by small quantity generators, incorporated in this rule are as follows:

A. The modification set forth in 10 CSR 25-3.260(1)(A)25. applies in this rule in addition to other modifications set forth;

B. 40 CFR 261.5(g)(2) is not incorporated in this rule;

C. A process, procedure, method, or technology is considered to be on-site treatment for the purposes of 40 CFR 261.5(f)(3) and 40 CFR 261.5(g)(3), as incorporated in this rule, only if it meets the following criteria:

(I) The process, procedure, method, or technology reduces the hazardous characteristic(s) and/or the quantity of a hazardous waste; and

(II) The process, procedure, method, or technology does not result in off-site emissions of any hazardous waste or constituent; and

D. If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject to 40 CFR 279.10(b)(3) as incorporated in 10 CSR 25-11.279;

13. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 261.6(a)(3)(i), as incorporated in this rule. The state may not assume authority from the **Environmental Protection Agency** (EPA) to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies;

14. 40 CFR 261.6(a)(4) is amended by adding the following sentence: "Used oil that exhibits a hazardous characteristic and that is released into the environment is subject to the requirements of 10 CSR 25-3, 4, 5, 6, 7, 8, 9, and 13.";

15. Provided they are managed in accordance with the requirements of 40 CFR 261.9 and 10 CSR 25-16.273, the following wastes are excluded from the requirements of 10 CSR 25-5.262 to 10 CSR 25-7.270:

A. Batteries as described in 40 CFR 273.2 and as modified in 10 CSR 25-16.273(2)(A)2.;

B. Pesticides as described in 40 CFR 273.3 and as modified in 10 CSR 25-16.273(2)(A)3.;

C. Mercury switches as described in 10 CSR 25-16.273(2)(A)4.A., mercury containing thermometers and manometers as described in 10 CSR 25-16.273(2)(A)4.B.; and

D. Lamps as described in 40 CFR 273.5.;

16. Recyclable materials that meet the definition of used oil in 40 CFR 260.10 as incorporated in 10 CSR 25-3.260(1), shall be managed in accordance with 10 CSR 25-11.279 and applicable portions of 10 CSR 25-3.260–10 CSR 25-9.020; *[and]*

17. The resource recovery of hazardous waste is regulated by 10 CSR 25-9.020. An owner/operator of a facility that uses, reuses, or recycles hazardous waste shall be certified under 10 CSR 25-9 or permitted under 10 CSR 25-7, unless otherwise excluded. Therefore, the parenthetical text in 40 CFR 261.6(c)(1) is not incorporated in this rule~~/.~~; and

**18. In accordance with 260.432.5(2), used cathode ray tubes (CRTs) may not be placed in a sanitary landfill, except as permitted by 260.380.3.**

**(E) Exclusions/Exemptions.**

**1. The substitution of the director of the Department of Natural Resources for the regional administrator discussed in 10 CSR 25-3.260(1)A.1. does not apply to the requirement for notification of the export of used CRTs established in 40 CFR 261.41.**

*AUTHORITY: section 260.370, RSMo Supp. [2005] 2007. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on December 18, 2008, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

*Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on December 26, 2008. Faxed or emailed correspondence will not be accepted.*

*Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.*

## **Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 5—Rules Applicable to Generators of Hazardous Waste**

### **PROPOSED AMENDMENT**

**10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste.** The commission is amending sections (1) and (2).

*PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the Code of Federal Regulations (CFR). Currently, the regulations incorporate by reference the 2004 CFR, which includes changes through July 1, 2004. One (1) of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations.*

*Updating the regulations to incorporate the 2006 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2004, and July 1, 2006. Department staff have reviewed the changes made to 40 CFR part 262, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the Code of Federal Regulations.*

(1) The regulations set forth in 49 CFR part 172, October 1, 1999, 40 CFR 302.4 and .5, July 1, [2004] **2006**, and 40 CFR part 262, July 1, [2004] **2006**, except Subpart H, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) A generator **located in Missouri**, except as conditionally exempted in accordance with 10 CSR 25-4.261, shall comply with the requirements of this section in addition to the requirements incorporated in section (1). Where contradictory or conflicting requirements exist in 10 CSR 25, the more stringent shall control. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the additional storage standards which are added to 40 CFR part 262 subpart C are found in subsection (2)(C) of this rule.)

(A) General. The following registration requirements are additional requirements to, or modifications of, the requirements specified in 40 CFR part 262 subpart A:

1. In lieu of 40 CFR 262.12(a) and (c), a generator **located in Missouri** shall comply with the following requirements:

A. A person generating in one (1) month or accumulating at any one (1) time the quantities of hazardous waste specified in 10 CSR 25-4.261 and a transporter who is required to register as a generator under 10 CSR 25-6.263 shall register and is subject to applicable rules under 10 CSR 25-3.260–10 CSR 25-9.020 and 10 CSR 25-12.010;

*[B. An out-of-state generator who utilizes a hazardous waste management facility within Missouri shall register before utilizing the facility;]*

*[C.]B.* A person generating hazardous waste on a “one (1)-time” basis may apply for a temporary registration. A temporary registration shall be valid for one (1) initial **thirty** (30)-day period with the possibility of an extension of one (1) additional **thirty** (30)-day period. Should a temporary registration exceed the total **sixty** (60)-day period outlined here, the department shall consider the registration to be permanent rather than temporary. *[Temporary, one-time registrations shall only be issued to Missouri generators.]* All reporting requirements and registration fees outlined in this chapter shall apply to temporary registrations; and

*[D.]C.* Conditionally exempt generators may choose to register and obtain **Environmental Protection Agency** (EPA) and Missouri identification numbers, but in doing so will be subject to any initial registration fee and annual renewal fee outlined in this chapter;

2. An owner/operator of a treatment, storage, disposal, or resource recovery facility who ships hazardous waste from the facility shall comply with this rule;

3. The following constitutes the procedure for registering:

A. A person who is required to register shall file a completed registration form furnished by the department. The department

shall require an original ink signature on all registration forms before processing. In the event the department develops the ability to accept electronic submission of the registration form, the signature requirement will be consistent with the legally-accepted standards in Missouri for an electronic signature on documents. All generators located in Missouri shall use only the Missouri version of the registration form;

B. A person required to register shall also complete and file an updated generator registration form if the information filed with the department changes;

C. The department may request additional information, including information concerning the nature and hazards associated with a particular waste or any information or reports concerning the quantities and disposition of any hazardous wastes as necessary to authorize storage, treatment, or disposal and to ensure proper hazardous waste management;

D. A person who is required to register, and those conditionally-exempt generators who choose to register, shall pay a **one hundred-dollar** (\$100) initial **or reactivation** registration fee at the time their registration form is filed with the department. **If a generator site has an inactive registration, and a generator required to register reactivates that registration, the generator shall file a registration form and pay the one hundred-dollar (\$100) registration reactivation fee.** The department shall not process any form for an initial registration **or reactivation of a registration** if the **one hundred-dollar** (\$100) fee is not included. Generators **required to register** shall thereafter pay an annual renewal fee of \$100 in order to maintain their registration in good standing; and

E. Any person who pays the registration fee with what is found to be an insufficient check shall have their registration immediately revoked;

4. The following constitutes the procedure for registration renewal:

A. The calendar year shall constitute the annual registration period;

B. Annual registration renewal billings will be sent *[on]* by December 1 of each year to all generators holding an active registration;

C. Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but shall not pay the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, they shall pay the annual renewal fee;

D. Any generator *[failing]* **required to register who fails to** pay the annual renewal fee by the due date specified on the billing shall be administratively inactivated and subject to enforcement action for failure to properly maintain their registration;

E. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay *[a \$50 administrative reinstatement fee]* **the fifteen percent (15%) late fee required by section 260.380.4, RSMo**, in addition to the **one hundred-dollar** (\$100) annual renewal fee **for each applicable registration year and shall file an updated generator registration form with the department before their registration is reactivated by the department;**

F. Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay a **fifty-dollar** (\$50) administrative reinstatement fee in addition to the **one hundred-dollar** (\$100) annual renewal fee; and

G. Any person who pays the annual renewal fee with what is found to be an insufficient check shall have their registration immediately revoked;

5. The department may administratively inactivate the registration of generators that fail to pay any applicable hazardous waste fees and taxes in a timely manner after appropriate notice to do so.

(B) The Manifest. *[This subsection sets forth requirements for manifest acquisition and use.]* Additional manifest and reporting requirements are set forth in subsections (2)(D) and (E). This subsection is applicable to all Missouri generators and to all other generators who deposit hazardous waste in Missouri. (Note: This section is not applicable to an out-of-state or international generator who is shipping hazardous waste through, in less than ten (10) days, but not depositing hazardous waste in Missouri. This subsection does not prevent a transporter from voluntarily carrying information in addition to the manifest. Any reference to the United States Environmental Protection Agency (EPA) form 8700-22 means the form as revised by EPA and approved by the federal Office of Management and Budget (OMB)).

*[1. The Missouri manifest form has its own set of instructions, these regulations do not allow the use of the continuation sheet, and these regulations require the manifest to be completed prior to shipping the hazardous waste off-site.*

*2. In addition to the requirements set forth in 40 CFR 262.20, the generator must record legibly the following additional information on the manifest prior to shipment and in accordance with instructions:*

*A. The Missouri hazardous waste manifest document number, which is the six (6)-digit Missouri generator identification number and the consecutive shipment number;*

*B. The actual site address (street, city, state and zip code) if different from the mailing address of the shipment's origin;*

*C. The license plate number for the waste-carrying portion of the vehicle used to transport waste, including the state of registration;*

*D. The transport company's identification number(s) assigned by the department and telephone number(s);*

*E. The receiving facility's Missouri identification number if the designated facility is located in Missouri and the telephone number of the receiving facility;*

*F. The EPA hazardous waste number(s) for each waste material being shipped. If the waste(s) being shipped is a mixture of different EPA hazardous waste types as listed in 10 CSR 25-4.261, each EPA hazardous waste type found within the mixture shall be identified by its respective EPA hazardous waste number;]*

*[G.]1. Generators must list [T]he Missouri waste code MH02 if the hazardous waste is 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) as listed in 10 CSR 25-4.261(2)(D)3.;*

*2. If the waste contains MH02 or MH01, these must be one (1) of the six (6) waste codes listed on the manifest.*

*[H.]3. Generators must list [T]he Missouri waste code D098 if the hazardous waste is a used oil as described [at] in 10 CSR 25-11.279(2)(I)1.B.;* and

*[I.]4. Generators must record [E]ither the total weight in kilograms or pounds or the specific gravity for wastes listed or measured in gallons, liters, or cubic yards.*

*[3. Any generator who is required to use the Missouri/EPA form 8700-22/MDNR-HWG 10 and who copies or prints his/her own uniform manifest forms is subject to the following requirements in addition to the requirements of 40 CFR 262.21:*

*A. A generator shall ensure that the form is printed so that there is no displacement of information or alteration of the form;*

*B. The generator shall copy or print and attach the instruction sheets to the manifest form;*

*C. Generator information may only be added to the manifest form or instruction sheets in accordance with subparts (a) and (b) of 40 CFR part 262.21 and as follows:*

*(I) Any information requirements may be printed on the forms or instruction sheets except that the certification*

*signature and acceptance signatures shall be handwritten and shall not be printed or stamped on the manifest; and*

*(II) Transporter safety information, treatment, storage or disposal information, and bill of lading information may be printed in the special handling instructions and additional information space or, if necessary, on the back of the manifest form;*

*D. Copy distribution and other general company information may be printed in the margin or on the back of the manifest form. The manifest shall be marked for copy distribution as follows:*

*First page (original)—to the department;*

*Second page—generator file copy;*

*Third page—treatment, storage or disposal facility final copy;*

*Fourth page—transporter number one;*

*Fifth page—optional (second transporter, other state); and*

*Sixth page—generator (shipment confirmation); and*

*E A hazardous materials (HM) column in item 11 may be printed in accordance with United States Department of Transportation regulations in 49 CFR 172.201. Organizational marks such as light lines or line identifiers are permitted to facilitate proper character placement of information.*

*4. This paragraph sets forth requirements for the use of the Missouri manifest or another state's manifest in different situations.*

*A. A Missouri generator who deposits hazardous waste out of Missouri but not in a foreign country shall use the receiving state's form equivalent to the EPA form 8700-22, if that state supplies and requires its use. Although another state's form is used, the generator shall record Missouri information on that state's manifest as specified under paragraph (2)(B)2. of this rule.*

*B. If a Missouri generator manages hazardous waste in another state and not a foreign country and the receiving state does not supply or require use of a specific state manifest, the generator shall acquire from the department and use the EPA 8700-22/MDNR-HWG 10 form except as provided otherwise in paragraph (2)(B)3. of this rule.*

*C. Any person who imports hazardous waste into Missouri from a foreign country or who generates hazardous waste in Missouri and exports this hazardous waste to a foreign country shall acquire from the department and use the EPA 8700-22/MDNR-HWG 10 form except as provided otherwise in paragraph (2)(B)3. of this rule.*

*D. Any Missouri generator and any out-of-state generator who deposits hazardous waste in Missouri shall acquire from the department and use the EPA 8700-22/MDNR-HWG 10 form except as provided otherwise in paragraph (2)(B)3. of this rule.*

*5. Missouri requires that a copy of the completed manifest be submitted to the department by an authorized representative of the generator. Therefore, in 40 CFR 262.22, substitute "two (2) copies" for "another copy."*

*[6.]5. Manifest reporting. This paragraph sets forth additional requirements for manifest reporting. The generator shall contract with the designated facility to return the completed manifest to the generator within thirty-five (35) days after the hazardous waste was accepted by the initial transporter. A generator, in addition to this requirement, and where applicable under paragraph (2)(D)2. of this rule, shall file exception reports.*

*(D) Record Keeping and Reporting. In addition to requirements in 40 CFR 262.40, generators shall retain registration information required in subsection (2)(A) of this rule and the [summary manifest report] Generator's Hazardous Waste Summary Report required in paragraph (2)(D)1. of this rule for no fewer than three (3)*

years. The period of record retention referred to in 40 CFR 262.40(d) begins the day the initial transporter signs the manifest. The period of record retention referred to extends upon the written requests of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity.

1. This paragraph establishes requirements for quarterly *[manifest summary reports]* **Generator's Hazardous Waste Summary Reports.**

A. All generators who are required to register in accordance with subsection (2)(A) of this rule shall complete a *[manifest summary report]* **Generator's Hazardous Waste Summary Report.** *[The manifest summary]* This report shall be completed on a form provided by the department or on a reproduction of the form provided by the department or in the same format as the form provided by the department **after review and approval by the department.**

B. Persons who do not ship any hazardous wastes or who make only one (1) shipment of hazardous waste during the entire reporting year, July 1 through June 30, or are defined as a small quantity generator for the entire reporting year, may file an annual report by August *[15]* **14** following the reporting year period. However, persons who are defined as a large quantity generator and have more than one (1) shipment of hazardous waste during the reporting years shall file quarterly.

C. A generator who is registered with the department shall report the quantity, type, and status of all hazardous waste(s) shipped off-site during the reporting period on the *[manifest summary report]* **Generator's Hazardous Waste Summary Report** regardless of the destination of the shipment(s). *[A generator who is located out of Missouri shall only report the quantity, type and status of hazardous waste(s) shipped to any designated facility located in Missouri on the manifest summary report.]*

D. The *[manifest summary report]* **Generator's Hazardous Waste Summary Report** shall be signed and certified by an authorized representative as defined in 40 CFR 260.10 incorporated by reference in 10 CSR 25-3. The certification statement shall read as follows: "CERTIFICATION: I certify under penalty of law that I personally examined and am familiar with the information submitted on this form and all attached documents and, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment." The handwritten signature of the authorized representatives shall follow this certification.

E. The generator shall submit the completed *[summary manifest report, including the appropriate completed manifest documents as indicated in the manifest instructions,]* **Generator's Hazardous Waste Summary Report** within forty-five (45) days after the end of each reporting period. The reporting periods and submittal dates are as follows: January 1 through March 31, with a submittal date of May 14 of the same year; April 1 through June 30, with a submittal date of August 14 of the same year; July 1 through September 30, with a submittal date of November 14 of the same year; and October 1 through December 31, with a submittal date of February 14 of the following year.

F. A generator shall submit the information required in 40 CFR 261.4(e)(2)(v)(C) incorporated by reference in 10 CSR 25-4.261(1) to the department along with the completed *[manifest summary report]* **Generator's Hazardous Waste Summary Report.**

G. Generators failing to file the reports required by this rule shall have their registration administratively inactivated. Their registration shall be reactivated after all required reporting is filed, applicable fees are paid, and an updated generator registration form is submitted to the department.

2. Exception reporting. 40 CFR 262.42 is not incorporated in this rule. In lieu of those requirements, a generator shall comply with the following requirements:

A. A generator shall contract with the designated facility to return the completed manifest to the generator within thirty-five (35) days after the date the waste was accepted by the initial transporter. A generator, in addition to the requirements of this subsection, shall comply with manifest reporting requirements in paragraph (2)(B)6. of this rule;

B. A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within thirty-five (35) days of the date the waste was accepted by the initial transporter shall contact the transporter, the owner, or both, or operator of the designated facility, to determine the status of the hazardous waste;

C. A generator who has not received the completed manifest with the handwritten signature of the designated facility operator within thirty-five (35) days from the date the waste was accepted by the initial transporter shall submit a completed exception report to the department within forty-five (45) days from the date the waste was accepted by the initial transporter; and

D. The exception report may be completed on the exception report form provided by the department or in a format which shall include the following: the generator's EPA identification number (if applicable), the Missouri generator identification number and the generator's name, address, and telephone number; the name, address, phone number, EPA identification number (if applicable), and Missouri transporter license number for each transporter; the EPA identification number of the facility (if applicable), the Missouri facility identification number, the facility telephone number, and the designated facility's name and address; the Missouri and EPA hazardous waste manifest document numbers followed by the date of shipment; the waste description and EPA waste code identification number as listed in 10 CSR 25-4 for each hazardous waste appearing on the manifest; the total quantity of each hazardous waste and the appropriate abbreviation for units of measure as follows: G—gallons (liquids only); P—pounds; T—tons (2,000 lbs.); Y—cubic yards; L—liters (liquids only); K—kilograms; M—metric tons (1,000 kg); N—cubic meters; the following certification statement, signed and dated by an authorized representative of the generator: "I have personally examined and am familiar with the information submitted on this form. I hereby certify that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information which include/s/ fine and imprisonment"; a legible copy of the manifest document originated by the generator and signed by the initial transporter which was retained by the generator and for which the generator does not have confirmation of delivery; and a cover letter signed by the generator or his/her authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts. The director may require a generator to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 10 CSR 25-4.261 as the director deems necessary under section 260.375(7), RSMo.

3. Reporting requirements for small quantity generators. 40 CFR 262.44 is not incorporated in this rule.

(J) Generator Fee and Taxes. A generator who is required to register under this rule, unless otherwise exempted, shall pay fees and taxes in accordance with 10 CSR 25-12.010. **Generators failing to pay the fees, taxes, or applicable late fees outlined in 10 CSR 25-12.010 by the due date shall have their registration administratively inactivated. Their registration shall be reactivated after all applicable fees, taxes, and late fees are paid and an updated generator registration form is submitted to the department.**

*AUTHORITY: sections 260.370 and 260.380, RSMo Supp. [2005] 2007. This rule was previously filed as 10 CSR 25-5.010. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history,*

*please consult the Code of State Regulations. Amended: Filed Oct. 15, 2008.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on December 18, 2008, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

*Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on December 26, 2008. Faxed or emailed correspondence will not be accepted.*

*Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 6—Rules Applicable to Transporters of  
Hazardous Waste**

**PROPOSED AMENDMENT**

**10 CSR 25-6.263 Standards for Transporters of Hazardous Waste.** The commission is amending section (1) and subsection (2)(B).

**PURPOSE:** *This rule needs to be periodically updated to incorporate by reference the most current edition of the Code of Federal Regulations (CFR). Currently, the regulations incorporate by reference the 2004 CFR, which includes changes through July 1, 2004. One (1) of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2006 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2004, and July 1, 2006. Department staff have reviewed the changes made to 40 CFR part 263, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the Code of Federal Regulations.*

(1) The regulations set forth in 40 CFR part 263, July 1, [2004] 2006; 49 CFR parts 171–180, November 1, 1990, and December 1, 1997; and 49 CFR parts 40, 383, 387, 390–397, October 1, 1990, and October 1, 1997, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are

incorporated by reference, except for 49 CFR 390.3(f)(2), which is not incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule except that the modifications do not apply to the 49 CFR parts incorporated in this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) A hazardous waste transporter shall comply with the requirements of this section in addition to those set forth in section (1). Any reference to a 40 CFR cite in this section shall mean as that provision is incorporated in 10 CSR 25. Where contradictory or conflicting requirements exist in 10 CSR 25, the more stringent shall control. (Comment: This section has been organized in order within the corresponding subsection of this section. For example, the additional requirements being added to 40 CFR part 263 subpart A are found in subsection (2)(A).)

(B) Compliance with the Manifest System and Record Keeping. This subsection sets forth requirements in addition to or in lieu of the requirements set forth in 40 CFR part 263 subpart B.

**1. Manifests.**

A. In lieu of the requirements in 40 CFR 263.20(a), the following shall apply:

(I) In addition to the requirements in 10 CSR 25-5.262, a transporter shall not accept hazardous waste from a generator unless it is accompanied by a manifest signed and dated by the generator which contains federally-required information in accordance with 10 CSR 25-5.262, except that the transporter may accept shipments of hazardous waste without a manifest from persons not required to register as provided in 10 CSR 25-5.262(2)(A) provided that the waste is transported only to a facility which is permitted or certified to accept the waste. The transporter shall maintain records on wastes accepted from those generators which contain information including the type or identity of each waste, the source of each waste, and disposition of each waste. (Note: This paragraph is not intended to apply to municipal waste haulers who may unknowingly pick up small quantities of hazardous waste that may have been deposited in solid waste containers along their routes.)

*[(III)] When the waste being transported is used oil as described at 10 CSR 25-11.279(2)(I)1.B., or wastes described or listed in 10 CSR 25-4.261, then the Missouri transporter identification number shall appear on the manifest.]*

*[(IIII)](II) Hazardous waste shall be transferred between licensed transporters only; and*

*[(IV)](III) For [international shipments] exports, the transporter shall also comply with the following requirements: [In the case of exports, a] A transporter may not accept hazardous waste from a primary exporter or other person—1) if s/he knows the shipment does not conform to the EPA Acknowledgement of Consent, and 2) unless, in addition to a manifest signed in accordance with 10 CSR 25-5, the waste is also accompanied by an EPA Acknowledgement of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). The shipping paper for exports by water (bulk shipment) shall contain all the information required on the manifest and, for exports, an EPA Acknowledgement of Consent shall accompany the hazardous waste. Rail transporters shall ensure that a shipping paper contains all the information required on the manifest and, for exports, an EPA Acknowledgement of Consent accompanies the hazardous waste at all times. A transporter shall also provide a copy of the manifest to a United States Customs official at the point of departure from the United States.*



B. In addition to requirements in 40 CFR 263.22, the following shall apply: Each day that a vehicle is used for the transportation of hazardous waste, the driver of that vehicle, prior to the transportation, shall inspect the vehicle to meet the requirements of 49 CFR 396.11 incorporated by reference in section (1) of this rule. The vehicle inspection shall be documented in writing. At a minimum once annually, transporters shall provide and document hazardous waste/materials training for each driver employee who transports hazardous waste. Records relating to hazardous waste transportation shall be available to representatives of the department for inspection and copying during regular business hours. Current files on driver vehicle inspections, vehicle maintenance, annual employee training, and records of incident reports shall also be maintained for a period of three (3) years by the licensed transporter regardless of whether the vehicle(s) is owned or leased. The period of record retention for these records also extends automatically during the course of any unresolved enforcement action, and the records shall be available to authorized representatives of the department for inspection and copying during regular business hours.

2. (Reserved)

**AUTHORITY:** section[s] 260.370, *RSMo Supp. [2005] 2007 and sections 260.385 and 260.395, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 15, 2008.*

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners/Operators of  
Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.** The commission is amending sections (1)–(3).

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2004.

*One (1) of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2006 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2004, and July 1, 2006. Department staff have reviewed the changes made to 40 CFR part 264, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the Code of Federal Regulations.*

(1) The regulations set forth in 40 CFR part 264, July 1, [2004] 2006, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modification set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control. "Owner/operator," as defined in 10 CSR 25-3.260(2)(O)3., shall be substituted for any reference to "owner and operator" or "owner or operator" in 40 CFR part 264 incorporated in this rule.

(2) The owner/operator of a permitted hazardous waste treatment, storage, or disposal facility shall comply with this section in addition to the regulations of 40 CFR part 264. In the case of contradictory or conflicting requirements, the more stringent shall control. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the requirements to be added to 40 CFR part 264 subpart E are found in subsection (2)(E) of this rule.)

(B) General Facility Standards. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart B.

1. The substitution of terms at 10 CSR 25-3.260(1)(A)1. does not apply to 40 CFR 264.12(a), incorporated by reference in this rule. In addition to the requirements in 40 CFR 264.12(a) incorporated in this rule, an owner/operator shall submit to the department a separate analysis for each hazardous waste that s/he intends to import. Each analysis shall contain the following information: the foreign generator's name, site address, and telephone number; a list of applicable United States Environmental Protection Agency (EPA) waste codes and a percentage of each for each hazardous waste; the flash point determined in accordance with 40 CFR 261.21 incorporated by reference in 10 CSR 25-4; a list of reactive waste(s) as defined in 40 CFR 261.23 incorporated by reference in 10 CSR 25-4; and results of toxicity tests conducted in accordance with 40 CFR 261.24 incorporated by reference in 10 CSR 25-4.261, if applicable.

2. Information describing the frequency and type of analysis performed on run off and leachate generated at the hazardous waste management units shall be included as part of the waste analysis plan required in 40 CFR 264.13(b) incorporated in this rule.

**3. 40 CFR 264.15(b)(5) is not incorporated in this rule.**

[3.]4. The comment following 40 CFR 264.18(a) is not incorporated in this rule.

(E) Manifest System, Record Keeping, and Reporting. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart E.

1. [In addition to the requirements in 40 CFR 264.71(a)(1) and (2) and 40 CFR 264.71(b)(1) and (2) incorporated in section (1) of this rule, the owner/operator shall record the appropriate handling code(s) on the manifest as

*specified by the instructions for form 8700-22/MDNR-HWG 10.] Missouri requires an original copy of the manifest to be submitted to the department by all in-state and out-of-state Treatment, Storage, or Disposal Facilities (TSDFs) in accordance with 40 CFR 264.71(e).*

2. As it becomes available, the following additional information shall be maintained in the operating record described in 40 CFR 264.73 incorporated in this rule until final closure, at which time the operating record shall be submitted to the department:

A. The information from each manifest shall be maintained in the operating record;

B. In addition to the requirements in 40 CFR 264.73(b)(2) incorporated in this rule, an owner/operator of a hazardous waste disposal facility shall record the location and quantity of each hazardous waste shipment on a map or diagram of each cell or disposal area with respect to a surveyed permanent benchmark and baseline;

C. In addition to the requirements in 40 CFR 264.73(b)(2) incorporated in this rule, an owner/operator of a facility which has had a release or which has hazardous waste or hazardous waste constituent migration beyond the hazardous waste management unit shall record the locations and concentrations of contamination on a map or diagram with respect to a surveyed permanent benchmark and baseline;

D. If applicable, information regarding volumes, dates of removal, and disposition of leachate removed from collection points shall be maintained in the operating record; and

E. A complete copy of the final, approved permit application, including all approved engineering plans, shall be maintained in the operating record.

3. The owner/operator of a hazardous waste management facility shall submit a report to the department as set forth in this paragraph.

A. All owners/operators shall comply with the *[manifest summary]* reporting requirements in 10 CSR 25-5.262(2)(D) regardless of whether the owner/operator is required to register as a generator pursuant to 10 CSR 25-5.262(2)(A)1.

B. In addition to the requirements in 10 CSR 25-5.262(2)(D) for hazardous waste generated on-site and shipped off-site for treatment, storage, resource recovery, or disposal, the owner/operator shall meet the same requirements for the following:

(I) All hazardous waste generated on-site during the reporting period that is managed on-site; and

(II) All hazardous waste received from off-site during the reporting period, including hazardous waste generated by another generator and hazardous waste generated at other sites under the control of the owner/operator.

C. In addition to the information required in 10 CSR 25-5.262(2)(D), an owner/operator shall include the following information in the summary report:

(I) A description and the quantity of each hazardous waste that was both generated and managed on-site during the reporting period;

(II) For each hazardous waste that was received from off-site, a description and the quantity of each hazardous waste, the corresponding state, and EPA identification numbers of each generator;

(III) For imports, the name and address of the foreign generator;

(IV) The corresponding method of treatment, storage, resource recovery, disposal, or other approved management method used for each hazardous waste;

(V) The quantity and description of hazardous waste residue generated by the facility; and

(VI) A summary of both quantitative and qualitative groundwater monitoring data that was received during the reporting period, as required in 40 CFR part 264 subpart F incorporated in this rule and subsection (2)(F) of this rule. (Comment: This does not change the frequency of monitoring required by rules or in specific permit conditions. It only changes the frequency of reporting.)

4. As outlined in section 260.380.2, RSMo, all owners/operators shall pay a fee to the department of two dollars (\$2) per ton or portion thereof for any and all hazardous waste received from outside of Missouri. This fee shall be referred to as the Out-of-State Waste Fee and shall not be paid on hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri.

A. For each owner/operator, this fee shall be paid on or before January 1 of each year and shall be based on the total tons of hazardous waste received in the aggregate by that owner/operator for the twelve (12)-month period ending the previous June 30. As outlined in section 260.380.4, RSMo, failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee. Each twelve (12)-month period ending on June 30 shall be referred to as a reporting year.

B. Owners/operators may elect, but are not required, to pay this fee on a quarterly basis at the time they file the reporting required in subparagraphs (2)(E)3.B. and C. of this rule. If they do not choose to pay the fee quarterly, owners/operators may elect, but are not required, to pay the fee at the time they file their final quarterly report of each reporting year. However, the total fee for each reporting year must be paid on or before January 1 immediately following the end of each reporting year.



**EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION**

**Example 1. ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri:**

$$\text{\$2} \times 250 \text{ tons} = \text{\$500 fee}$$

**Example 2. ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri.  
The number of tons would be rounded to 411:**

$$\text{\$2} \times 411 \text{ tons} = \text{\$822 fee}$$

**Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri.  
The number of tons would be rounded to 52,150:**

$$\text{\$2} \times 52,150 \text{ tons} = \text{\$104,300 fee}$$

(H) Financial Assurance Requirements. This subsection sets forth the requirements which modify or add to those requirements in 40 CFR part 264 subpart H.

1. For purposes of this subsection, commercial treatment, storage, or disposal (TSD) facility means any facility that would be considered a commercial hazardous waste TSD facility for the purposes of 10 CSR 25-12.020, or any facility that is certified as an R2 resource recovery facility according to 10 CSR 25-9.020, or any facility that receives for remuneration polychlorinated biphenyls (PCB) material or PCB units as defined by 10 CSR 25-13.010.

2. In 40 CFR 264.143(a)(3), incorporated by reference in this rule, delete "the term of the initial RCRA permit" and insert in its place "a period of five (5) years, beginning with the date the permit is issued."

3. In 40 CFR 264.145(a)(3), incorporated by reference in this rule, delete "the term of the initial RCRA permit" and insert in its place "a period of five (5) years, beginning with the date the permit is issued."

4. This paragraph modifies the requirements for surety bonds guaranteeing payment into a closure trust fund or post-closure trust fund per 40 CFR 264.143(b) or 40 CFR 264.145(b), incorporated in this rule.

A. Any surety company issuing a surety bond guaranteeing payment into a closure trust fund or post-closure trust fund shall be authorized to do business in Missouri.

B. Any surety company issuing a surety bond guaranteeing payment into a closure trust fund or post-closure trust fund shall not cancel, terminate, or fail to renew a surety bond guaranteeing payment into a closure or post-closure trust fund and the surety bond shall remain in full force and effect in the event that on or before the date of cancellation:

(I) The director deems the facility abandoned; or  
(II) The permit is terminated or revoked, or a new permit is denied; or

(III) Closure is ordered by the department or a court of competent jurisdiction; or

(IV) The owner/operator is named as a debtor in a voluntary or involuntary proceeding under 11 U.S.C. section 1, et seq.; or

(V) The premium due is paid; or

(VI) An appeal of an order to close the facility as specified in part (4)(H)4.B.(III) of this subparagraph is pending.

C. Facilities that have a surety bond or bond(s) guaranteeing payment into a closure trust fund or a post-closure trust fund as of the effective date of this subparagraph shall modify their surety instruments to comply with this paragraph within twelve (12) months of the effective date of this subparagraph.

5. This paragraph modifies the requirements for surety bonds guaranteeing performance of closure or performance of post-closure

care per 40 CFR 264.143(c) or 40 CFR 264.145(c), incorporated in this rule.

A. A surety company issuing a surety bond for closure or post-closure performance shall be authorized to do business in Missouri.

B. Any surety company issuing a surety bond for closure or post-closure performance shall not cancel, terminate, or fail to renew a surety bond guaranteeing performance of closure or post-closure care and the surety bond shall remain in full force and effect in the event that on or before the date of cancellation:

(I) The director deems the facility abandoned; or

(II) The permit is terminated or revoked, or a new permit is denied; or

(III) Closure is ordered by the department or a court of competent jurisdiction; or

(IV) The owner/operator is named as a debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), *United States Code*; or

(V) The premium due is paid; or

(VI) An appeal of an order to close the facility as specified in part (4)(H)5.B.(III) of this subparagraph is pending.

C. Facilities that have a surety bond or bonds guaranteeing performance of closure or performance of post-closure care as of the effective date of this subparagraph shall modify their surety instruments to comply with this paragraph within twelve (12) months of the effective date of this subparagraph.

6. This paragraph modifies the requirements for letters of credit per 40 CFR 264.143(d), 40 CFR 264.145(d), and 40 CFR 264.147(h), incorporated in this rule. Letters of credit shall be issued by a state- or federally-chartered and regulated bank or trust association. *[If the issuing institution is not located in Missouri, a bank or trust association located in Missouri shall confirm the letter of credit and the confirmation and the letter of credit shall be filed with the department.]*

7. An owner/operator of a facility that is a commercial TSD facility may not satisfy financial assurance requirements for closure, post-closure, or liability coverage, or any combination of these, by the use of a financial test as specified in 40 CFR 264.143(f), 40 CFR 264.145(f), or 264.147(f), incorporated in this rule.

8. This paragraph modifies the requirements for closure insurance per 40 CFR 264.143(e), incorporated in this rule, post-closure insurance per 40 CFR 264.145(e), incorporated in this rule, liability coverage for sudden accidental occurrences per 40 CFR 264.147(a)(1), incorporated in this rule, and liability coverage for non-sudden accidental occurrences per 40 CFR 264.147(b)(1), incorporated in this rule. Each insurance policy shall be issued by an insurer *[which] who*, at a minimum, is licensed to transact the business of insurance or is eligible to provide insurance as an excess or surplus lines insurer in Missouri.

9. In 40 CFR 264.143(f), incorporated in this rule, delete “or a firm with a ‘substantial business relationship’ with the owner or operator.”

10. In 40 CFR 264.145(f), incorporated in this rule, delete “or a firm with ‘a substantial business relationship’ with the owner or operator.”

11. In 40 CFR 264.147(g), incorporated in this rule, delete “or a firm with a ‘substantial business relationship’ with the owner or operator.”

(I) Containers. This subsection sets forth requirements in addition to 40 CFR part 264 subpart I incorporated in this rule.

1. An owner/operator of a facility which treats hazardous waste in containers shall meet the requirements of 40 CFR 264.601–264.603 incorporated in this rule and subsection (2)(X) of this rule.

2. Containers storing hazardous waste must be marked and labeled in accordance with 10 CSR 25-5.262(2)(C) during the entire storage period.

3. Container storage areas which close without removing all hazardous waste and/or hazardous waste constituents to below background levels may pursue either a risk-based closure if there is no evidence of groundwater or surface water contamination or, in the absence of such evidence, close in accordance with 10 CSR 25-7.264(2)(N) and 40 CFR part 264 subpart N as incorporated in subsection (2)(N). The owner/operator shall also comply with the requirements of 10 CSR 25-7.264(2)(G).

4. Containers holding ignitable or reactive waste that are stored outdoors or in buildings not equipped with sprinkler systems shall be located at least fifty feet (50') from the facility's property line.

5. Containers holding ignitable or reactive waste that are stored indoors shall be located at least fifty feet (50') from the facility's property line unless the following requirements are satisfied:

A. Exposing walls that are located more than ten feet (10') but less than fifty feet (50') from a boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least two (2) hours, with each opening protected by an automatically-closing listed one and one-half (1.5) hour (B) fire door;

B. Exposing walls that are located less than ten feet (10') from a boundary line of adjoining property, that can be built upon, shall have a fire-resistance rating of at least four (4) hours, with each opening protected by an automatically-closing listed three (3)-hour (A) fire door (Comment: All fire doors, closure devices, and windows shall be installed in accordance with the National Fire Protection Agency (NFPA) Code 80, *Standards for Fire Doors and Windows*[], 1995 edition);

C. The construction design of exterior walls shall provide ready accessibility for fire-fighting operations through the provision of access openings, windows, or lightweight noncombustible wall panels;

D. Container storage areas shall be provided with automatic fire suppression systems designed and installed in accordance with the NFPA 14 (1996 edition), NFPA 15 (1996 edition), NFPA 16 (1995 edition), NFPA 16A (1994 edition), NFPA 17 (1998 edition), NFPA 17A (1998 edition), NFPA 18 (1995 edition), NFPA 20 (1996 edition), NFPA 22 (1996 edition), and NFPA 24 (1995 edition) standards. Final design of these systems shall be approved by a[n independent,] qualified, registered professional engineer in Missouri;

E. Each container storage area shall have preconnected hose lines capable of reaching the entire area. The fire hose shall be either a one and one-half (1.5)-inch line or a one-inch (1") hard rubber line. Where a one and one-half (1.5)-inch fire hose is used, it shall be installed in accordance with NFPA 14 (1996 edition). Hand-held fire extinguishers rated for the appropriate class of fire shall be available at each storage area;

F. Only containers meeting the requirements of, and containing products authorized by, Chapter I, Title 49 of the *Code of Federal Regulations* (DOT Regulations) or NFPA 386, *Standard for Portable Shipping Tanks* shall be used;

G. All storage of ignitable or reactive materials shall be organized in a manner which will not physically obstruct a means of egress. Materials shall not be placed in a manner that a fire would preclude egress from the area. Evacuation plans shall recognize the locations of any automatically-closing fire doors;

H. All containers shall be arranged so there is a minimum aisle space of four feet (4') between rows, allowing accessibility to each individual container. Double rows can be utilized. Containers shall not be stacked or placed closer than three feet (3') from ceilings or any roof members, or both; and

I. Explosive gas levels in the facility shall be monitored continuously. If the facility is not manned twenty-four (24) hours per day, a telemetry system shall be provided to alarm designated response personnel.

(3) The following requirements apply to hazardous waste TSD facilities that accept and/or ship hazardous waste via railroad tank car (railcar).

(B) Railcars shall not be used as container or tank storage units at a facility unless the owner/operator complies with the standards for container storage set forth in 40 CFR part 264 subpart I as incorporated in this rule and 40 CFR 270.15 as incorporated in 10 CSR 25-7.270. During the time allowed for loading and unloading as set forth in this section, the railcar shall not be considered to be in storage.

1. The owner/operator shall ship hazardous wastes loaded onto a railcar within seventy-two (72) hours after loading is initiated. For the purposes of this section, shipment occurs when—

A. The transporter signs and dates the manifest acknowledging acceptance of the hazardous waste;

B. The transporter returns a signed copy of the manifest to the facility; and

C. The railcar crosses the property boundary line of the TSD facility.

2. The owner/operator shall have a maximum of ten (10) days following receipt of a shipment to unload hazardous waste from incoming railcars. The amount of time allowed for unloading shall be specified in the approved railcar management plan for each facility as part of the permit. The department will review and approve each railcar management plan on a case-by-case basis and will base its decision regarding the time allowed for unloading on factors including, but not limited to, the size of the rail siding, surveillance and security standards, enclosure of the facility, type and amount of emergency response equipment, and the facility's capacity to handle incidents. Unless more time is allowed by an approved railcar management plan, the owner/operator shall unload hazardous waste from an incoming railcar within seventy-two (72) hours of receipt of the shipment. For the purposes of this section, receipt of the shipment occurs when—

A. The owner/operator signs the shipping paper; or

B. The owner/operator signs the manifest; or

C. The railcar crosses the property boundary line of the TSD facility.

3. The time limits in this subsection may be extended for up to an additional twenty-four (24) hours for Saturdays, Sundays, or public holidays as defined in section 9.010, RSMo [(1994)] 2000, that fall within [the initial seventy-two (72)-hour time period] the time period approved in the railcar management plan.

4. If the owner/operator finds that a railcar shipment must be rejected, the railcar shall be shipped within twenty-four (24) hours of that determination, or within the [initial seventy-two (72)-hour time period] time period approved in the railcar management plan, whichever is later. The rejection and the reasons for the rejection shall be documented in the facility's operating record.

5. The owner/operator shall attempt to arrange for the rail carrier to provide the owner/operator a notification detailing when a railcar was picked up from the facility or when a railcar was delivered to the facility. If the rail carrier declines to enter into such arrangements, the owner/operator must document the refusal in the

operating record. The time limitations set forth in this subsection must be documented by recording dates and times in the facility's operating record.

6. If the loading and unloading time frames specified in this section are exceeded, then the owner/operators utilizing railcars shall comply with the standards for container storage in 40 CFR part 264 subpart I, as incorporated in this rule, and with 40 CFR 270.15, as incorporated in 10 CSR 25-7.270.

**AUTHORITY:** section[s] 260.370, RSMo Supp. [2005] 2007 and sections 260.390 and 260.395, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 15, 2008.

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**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on December 18, 2008, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on December 26, 2008. Faxed or emailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners/Operators of  
Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.265 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.** The commission is amending sections (1) and (2).

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the **Code of Federal Regulations (CFR)**. Currently, the regulations incorporate by reference the 2004 CFR, which includes changes through July 1, 2004. One (1) of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2006 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2004, and July 1, 2006. Department staff have reviewed the changes made to 40 CFR part 265, the corresponding

part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the **Code of Federal Regulations**.

(1) The regulations set forth in 40 CFR part 265, July 1, [2004/2006], as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) The owner/operator of a treatment, storage, or disposal (TSD) facility shall comply with the requirements noted in this section in addition to requirements set forth in 40 CFR part 265 incorporated in this rule. In the case of contradictory or conflicting requirements in 10 CSR 25, the more stringent shall control. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the additional requirements to be added to 40 CFR part 265 subpart A are found in subsection (2)(A) of this rule.)

(B) General Facility Standards. This subsection sets forth requirements that modify or add to the requirements in 40 CFR part 265 subpart B.

1. In addition to the requirements in 40 CFR 265.12(a) incorporated in this rule, an owner/operator shall submit to the department a separate analysis for each hazardous waste that s/he intends to import. Each analysis shall contain the following information: the foreign generator's name, site address, and telephone number; a list of applicable EPA waste codes and a percentage of each for each hazardous waste; the flash point determined in accordance with 40 CFR 261.21, incorporated by reference in 10 CSR 25-4; a list of reactive waste(s) as defined in 40 CFR 261.23, incorporated by reference in 10 CSR 25-4; and results of toxicity tests conducted in accordance with 40 CFR 261.24, incorporated by reference in 10 CSR 25-4.261, if applicable.

2. [(Reserved)] 40 CFR 265.15(b)(5) is not incorporated in this rule.

(E) Manifest System, Record Keeping, and Reporting. This subsection sets forth standards which modify or add to those requirements in 40 CFR part 265 subpart E.

1. All owners/operators shall comply with the [manifest summary] reporting requirements in 10 CSR 25-5.262(2)(D) regardless of whether the owner/operator is required to register as a generator pursuant to 10 CSR 25-5.262(2)(A)1.

2. In addition to the requirements in 10 CSR 25-5.262(2)(D) for hazardous waste generated on-site and shipped off-site for treatment, storage, resource recovery, or disposal, the owner/operator shall meet the same requirements for the following:

A. All hazardous waste generated on-site during the reporting period that is managed on-site; and

B. All hazardous waste received from off-site during the reporting period, including hazardous waste generated by another generator and hazardous waste generated at other sites under the control of the owner/operator.

3. In addition to the information required in 10 CSR 25-5.262(2)(D), an owner/operator shall include the following information in the summary report:

A. A description and the quantity of each hazardous waste that was both generated and managed on-site during the reporting period;

B. For each hazardous waste that is received from off-site, a description and the quantity of each hazardous waste and the corresponding state and EPA identification numbers of each generator;

C. For imports, the name and address of the foreign generator;

D. The corresponding method of treatment, storage, resource recovery, disposal, or other approved management method used for each hazardous waste[; and].

*[E In addition to the requirements in 40 CFR 265.71(a)(1) and (2) and 265.71(b)(1) and (2) incorporated by reference in section (1) of this rule, the owner/operator shall record the appropriate handling code(s) on the manifest as specified by the instructions for completing form 8700-22/MDNR-HWG 10.]*

4. As outlined in section 260.380.2, RSMo, all owners/operators shall pay a fee to the department of two dollars (\$2) per ton or portion thereof for any and all hazardous waste received from outside of Missouri. This fee shall be referred to as the Out-of-State Waste Fee and shall not be paid on hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri.

A. For each owner/operator, this fee shall be paid on or before January 1 of each year and shall be based on the total tons of hazardous waste received in the aggregate by that owner/operator for the twelve (12)-month period ending the previous June 30. As outlined in section 260.380.4, RSMo, failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee. Each twelve (12)-month period ending on June 30 shall be referred to as a reporting year.

B. Owners/operators may elect, but are not required, to pay this fee on a quarterly basis at the time they file the reporting required in subparagraphs (2)(E)3.B. and C. of this rule. If they do not choose to pay the fee quarterly, owners/operators may elect, but are not required, to pay the fee at the time they file their final quarterly report of each reporting year. However, the total fee for each reporting year must be paid on or before January 1 immediately following the end of each reporting year.

#### EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION

**Example 1. ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri:**

$$\$2 \times 250 \text{ tons} = \$500 \text{ fee}$$

**Example 2. ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri.**

The number of tons would be rounded to 411.

$$\$2 \times 411 \text{ tons} = \$822 \text{ fee}$$

**Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri.**

The number of tons would be rounded to 52,150.

$$\$2 \times 52,150 \text{ tons} = \$104,300 \text{ fee}$$

(H) Financial Assurance Requirements. This subsection sets forth the requirements which modify or add to those requirements in 40 CFR part 265 subpart H.

1. For purposes of this subsection, commercial treatment, storage, or disposal (TSD) facility means any facility that would be considered a commercial hazardous waste treatment, storage, and disposal facility for purposes of 10 CSR 25-12.020, or any facility that is certified as an R2 resource recovery facility according to 10 CSR 25-9.020, or any facility that receives for remuneration polychlorinated biphenyls (PCB) material or PCB units as defined by 10 CSR 25-13.010.

2. In 40 CFR 265.143(a)(3), incorporated by reference in this

rule, delete “the 20 years” and insert in its place “a period of five (5) years.”

3. In 40 CFR 265.145(a)(3), incorporated by reference in this rule, delete “the 20 years” and insert in its place “a period of five (5) years.”

4. This paragraph modifies the requirements for surety bonds guaranteeing payment into a closure trust fund or post-closure trust fund per 40 CFR 265.143(b) or 40 CFR 265.145(b), incorporated in this rule.

A. Any surety company issuing a surety bond guaranteeing payment into a closure trust fund or post-closure trust fund shall be authorized to do business in Missouri.

B. Any surety company issuing a surety bond guaranteeing payment into a closure trust fund or post-closure trust fund shall not cancel, terminate, or fail to renew a surety bond guaranteeing payment into a closure or post-closure trust fund and the surety bond shall remain in full force and effect in the event that on or before the date of cancellation—

(I) The director deems the facility abandoned; or

(II) Interim status is terminated or revoked; or

(III) Closure is ordered by the department or a court of competent jurisdiction; or

(IV) The owner/operator is named as a debtor in a voluntary or involuntary proceeding under 11 U.S.C. section 1, et seq.; or

(V) The premium due is paid; or

(VI) An appeal of an order to close the facility as specified in part (2)(H)4.B.(III) of this subparagraph is pending.

C. Facilities that have a surety bond or bonds guaranteeing payment into a closure trust fund or a post-closure trust fund as of the effective date of this subparagraph shall modify their surety instruments to comply with this paragraph within twelve (12) months of the effective date of this subparagraph.

5. This paragraph modifies the requirements for letters of credit per 40 CFR 265.143(c), incorporated in this rule, 40 CFR 265.145(c), incorporated in this rule, and 40 CFR 265.147(h), incorporated in this rule. Letters of credit shall be issued by a state- or federally-chartered and regulated bank or trust association. *[If the issuing institution is not located in Missouri, a bank or trust association located in Missouri shall confirm the letter of credit and the confirmation and the letter of credit shall be filed with the department.]*

6. An owner/operator of a facility that is a commercial TSD facility may not satisfy financial assurance requirements for closure, post-closure, or liability coverage, or any combination of these, by the use of a financial test as specified in 40 CFR 265.143(e), incorporated in this rule, 40 CFR 265.145(e), incorporated in this rule, or 40 CFR 265.147(f), incorporated in this rule.

7. This paragraph modifies the requirements for closure insurance per 40 CFR 265.143(d), incorporated in this rule, post-closure insurance per 40 CFR 265.145(d), incorporated in this rule, liability coverage for sudden accidental occurrences per 40 CFR 265.147(a)(1), incorporated in this rule, and liability coverage for non-sudden accidental occurrences per 40 CFR 265.147(b)(1), incorporated in this rule. Each insurance policy shall be issued by an insurer which, at a minimum, is licensed to transact the business of insurance or is eligible to provide insurance as an excess or surplus lines insurer in Missouri.

8. In 40 CFR 265.143(e), incorporated in this rule, delete “or a firm with a ‘substantial business relationship’ with the owner or operator.”

9. In 40 CFR 265.145(e), incorporated in this rule, delete “or a firm with a ‘substantial business relationship’ with the owner or operator.”

10. In 40 CFR 265.147(g), incorporated in this rule, delete “or a firm with a ‘substantial business relationship’ with the owner or operator.”

(I) Use and Management of Containers. This subsection sets forth additional standards for container storage areas.

1. Container storage areas shall have a containment system that is designed and operated in accordance with paragraph (2)(I)2. of this rule except as provided by paragraph (2)(I)4. of this rule.

2. A containment system shall be designed, maintained, and operated as follows:

A. A containment system shall have a base which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

B. The base shall be sloped or the containment system shall be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or otherwise protected from contact with accumulated liquids;

C. The containment system shall have a capacity equal to ten percent (10%) of the containerized waste volume or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this calculation;

D. Run-on into the containment system shall be prevented unless the collection system has sufficient excess capacity in addition to that required in subparagraph (2)(I)2.C. of this rule to contain any run-on which might enter the system; and

E. Spilled or leaked waste and accumulated precipitation shall be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

3. The containment system shall also be inspected as part of the weekly inspections required by 40 CFR 265.174, incorporated in this rule.

4. Storage areas that store containers holding only wastes that do not contain free liquids or storage facilities that store less than one thousand kilograms (1,000 kg) of nonacute hazardous waste containing free liquids need not have a containment system described in paragraph (2)(I)2. of this rule provided that—

A. The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or

B. The containers are elevated or are otherwise protected from contact with accumulated liquid.

5. Containers storing hazardous waste must be marked and labeled in accordance with 10 CSR 25-5.262(2)(C) during the entire storage period.

6. Container storage areas which close without removing all hazardous waste and/or hazardous waste constituents to below background levels may pursue either a risk-based closure if there is no evidence of groundwater or surface water contamination or, in the absence of such evidence, close in accordance with 10 CSR 25-7.264(2)(N) and 40 CFR part 264 subpart N, as incorporated in subsection (2)(N). The owner/operator shall also comply with the requirements of 10 CSR 25-7.265(2)(G).

7. Containers holding ignitable or reactive waste which are stored outdoors or in buildings not equipped with sprinkler systems shall be located at least fifty feet (50') from the facility's property line.

8. Containers holding ignitable or reactive waste which are stored indoors shall be located at least fifty feet (50') from the facility's property line, unless the following requirements are satisfied:

A. Exposing walls that are located more than ten feet (10') but less than fifty feet (50') from a boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least two (2) hours, with each opening protected by an automatically-closing listed one and one-half (1.5)-hour (B) fire door;

B. Exposing walls that are located less than ten feet (10') from a boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least four (4) hours, with each opening protected by an automatically-closing listed three (3)-hour (A) fire door (Comment: All fire doors, closure devices, and windows shall be installed in accordance with the National Fire Protection Association (NFPA) Code 80, *Standards for Fire Doors and Windows*, 1995 edition);

C. The construction design of exterior walls shall provide ready accessibility for fire-fighting operations through the provision of access openings, windows, or lightweight noncombustible wall panels;

D. Container storage areas shall be provided with automatic fire suppression systems designed and installed in accordance with NFPA 14 (1996 edition), NFPA 15 (1996 edition), NFPA 16 (1995 edition), NFPA 16A (1994 edition), NFPA 17 (1998 edition), NFPA 17A (1998 edition), NFPA 18 (1995 edition), NFPA 20 (1996 edition), NFPA 22 (1996 edition), and NFPA 24 (1995 edition)

Standards. Final design of these systems shall be approved by a/n *independent,* qualified, registered professional engineer in Missouri;

E. Each container storage area shall have preconnected hose lines capable of reaching the entire area. The fire hose shall be a one and one-half (1.5)-inch line or one-inch (1") hard rubber line. Where a one and one-half (1.5)-inch fire hose is used, it shall be installed in accordance with NFPA 14 (1996 edition). Hand-held fire extinguishers rated for the appropriate class of fire shall be available at each storage area;

F. Only containers meeting the requirements of, and containing products authorized by, Chapter I, Title 49 of the *Code of Federal Regulations* (DOT Regulations) or NFPA 386, *Standard for Portable Shipping Tanks* (1990 edition) shall be used;

G. All storage of ignitable or reactive materials shall be organized in a manner which will not physically obstruct a means of egress. Materials shall not be placed in a manner that a fire would preclude egress from the area. Evacuation plans shall recognize the locations of any automatically-closing fire doors;

H. All containers shall be arranged so that there is a minimum aisle space of four feet (4') between rows, allowing accessibility to each individual container. Double rows can be utilized. Containers shall not be stacked, placed, or both, closer than three feet (3') from ceilings or any roof members; and

I. Explosive gas levels in the facility shall be monitored continuously. If the facility is not manned twenty-four (24) hours per day, a telemetry system shall be provided to alarm designated response personnel.

**AUTHORITY:** section[s] 260.370, *RSMo Supp. [2005] 2007 and sections 260.390 and 260.395, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 15, 2008.*

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on December 18, 2008, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on December 26, 2008. Faxed or emailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners/Operators of  
Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.** The commission is amending section (1).

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, the regulations incorporate by reference the 2004 CFR, which includes changes through July 1, 2004. One (1) of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2006 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2004, and July 1, 2006. Department staff have reviewed the changes made to 40 CFR part 266, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 266, July 1, [2004] 2006, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

**AUTHORITY:** section[s] 260.370, *RSMo Supp. [2005] 2007 and sections 260.390 and 260.395, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 15, 2008.*

**PUBLIC COST:** This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on December 18, 2008, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners/Operators of  
Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.268 Land Disposal Restrictions.** The commission is amending section (1).

*PURPOSE:* This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, the regulations incorporate by reference the 2004 CFR, which includes changes through July 1, 2004. One (1) of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2006 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2004, and July 1, 2006. Department staff have reviewed the changes made to 40 CFR part 268, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 268, July 1, [2004] 2006, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

*AUTHORITY:* section[s] 260.370, RSMo Supp. [2005] 2007 and sections 260.390, 260.395, and 260.400, RSMo 2000. Original rule filed Feb. 16, 1990, effective Dec. 31, 1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 15, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on December 18, 2008, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on

December 26, 2008. Faxed or emailed correspondence will not be accepted.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners/Operators of  
Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program.** The commission is amending section (1) and subsections (2)(B) and (2)(D).

*PURPOSE:* This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, the regulations incorporate by reference the 2004 CFR, which includes changes through July 1, 2004. One (1) of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2006 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2004, and July 1, 2006. Department staff have reviewed the changes made to 40 CFR part 270, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 270, July 1, [2004] 2006, except for the changes made at 70 FR 53453 September 8, 2005, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) The owner/operator of a permitted hazardous waste treatment, storage, or disposal (TSD) facility shall comply with the requirements noted in this rule along with 40 CFR part 270, incorporated in this rule. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the changes to 40 CFR part 270 subpart A are found in subsection (2)(A) of this rule.)

(B) Permit Application. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart B.

1. Existing hazardous waste management facilities must submit a state Part A permit application to the department no later than sixty (60) days after the effective date of state rules which first require them to comply with the requirements set forth in 10 CSR 25-7.265 or 10 CSR 25-7.266. A facility which did not meet federal notification and Part A submittal requirements under the Hazardous and Solid Waste Amendments (HSWA) shall not qualify for state interim



status. State interim status is granted to those facilities which either meet federal interim status requirements, are required to meet state interim status requirements because no federal interim status requirements affect the filing, or become subject to regulations under state rules which are not promulgated to meet the requirements of 40 CFR part 271.

2. Confidentiality may be requested for the information required in 40 CFR 270.13(a)–(m) incorporated in this rule. 10 CSR 25-3.260(1)(B) sets forth requirements for protection of confidential business information and the availability of information provided under 10 CSR 25. Therefore, 40 CFR 270.12 is not incorporated by reference in this rule.

3. The topographic map required in 40 CFR 270.13(l) incorporated in this rule shall also depict surrounding land uses such as residential, commercial, agricultural, and recreational.

4. Seismic evaluation requirements for hazardous waste management facility permit applicants. 40 CFR 270.14(b)(11)(i) and (ii) are not incorporated in this rule. An applicant for a hazardous waste management facility permit (excluding post-closure) shall design and construct the facility to withstand stresses due to earthquake loading or certify that the existing facility is able to withstand stresses due to earthquake loading. In the event that the regulated unit cannot withstand stresses, the facility shall certify that a release or situation which will endanger human health and/or the environment is not likely to occur. The applicant shall submit as part of the permit application a certification of the adequacy of the design or the ability of the existing facility to withstand stresses due to earthquake loading. The certification shall consider the location of the facility (e.g., the proximity of the facility to an active seismic zone) and must be completed by a qualified *[independent]* professional engineer registered in Missouri.

5. In addition to the topographic map required in 40 CFR 270.14(b)(19) incorporated in this rule, an applicant for a land-based hazardous waste management facility permit shall submit drawings which depict at a minimum—

- A. Original contours;
- B. Proposed final contours;
- C. Original surface water drainage patterns;
- D. Proposed final surface water drainage patterns;
- E. Layout of the leachate collection system;
- F. Layout of the monitoring system;
- G. Access roads;
- H. Location of soil borings and trenches;
- I. Major rock outcrops and sinkholes within the map area;
- J. Occupied permanent residential dwelling houses within one-fourth (1/4) mile of the disposal facility boundaries;
- K. All available information on private and public wells, public water supply lines, and any aquifers, seeps, sinkholes, caves, or mining areas within one-fourth (1/4) mile of the facility; and
- L. For landfills only, a coordinate system referenced to a benchmark and baseline that have been permanently established on the site and referenced to Government Land Office corners and the legal boundaries of the facility as described by a registered land surveyor licensed by Missouri.

6. All submitted engineering plans and reports shall be approved by a registered professional engineer licensed by Missouri. The engineering plans and reports shall specify the materials, equipment, construction methods, design standards and specifications for hazardous waste management facilities, and processes that will be utilized in the construction and operation of the facility. The engineering plans and reports shall also include a diagram of any piping, instrumentation or process flows, and descriptions of any feed systems, safety cutoffs, bypass systems, and pressure controls (for example, vents).

7. The applicant for a hazardous waste facility permit to construct or operate a facility shall submit the application to the department in triplicate (quadruplicate, if application is made for a land-based management facility). If a permit is issued, the permittee shall

submit two (2) copies of the entire approved application to the department.

8. The permit application fee set forth in 10 CSR 25-12.010 shall be submitted with the application.

9. The department will supervise any field work undertaken to collect geologic and engineering data which is to be submitted with the application. The applicant shall contact the department at least five (5) working days prior to conducting any field work that is undertaken to collect geologic and engineering data which is to be submitted with the application. A fee shall also be assessed pursuant to 10 CSR 25-12.010 for all costs incurred by the department in the observation of field work, engineering and geological review of the application, and all other review necessary by the department to verify that the application complies with section 260.395.7., RSMo.

10. The permit application shall include the following information for the purpose of notification:

A. Names and address of all persons listed on the facility mailing list as defined in 10 CSR 25-8.124(1)(A)10.C.(I)(c) shall be submitted in the form of an alphabetical list with five (5) sets of addressed, self-adhesive mailing labels also included; and

B. The name, address, and telephone number of the location where the permit application and supporting documents are to be placed, as described in 10 CSR 25-8.124(1)(B)3.B.(II)(c) and the name of the person at that location who may be contacted to schedule a review of the documents.

11. The applicant shall submit the information required by subsection (2)(H) of this rule in the form of a disclosure statement as part of the permit application.

12. An applicant may be required to submit other information as may be necessary to enable the department to carry out its duties.

13. In addition to the requirements in 40 CFR 270.15 incorporated in this rule, an owner/operator of a facility that treats hazardous waste in containers shall meet the requirements in 40 CFR 270.23 incorporated in this rule.

14. In addition to the requirements in 40 CFR 270.16 incorporated in this rule, an owner/operator of a facility that treats hazardous waste in a tank system shall meet the requirements in 40 CFR 270.23 incorporated in this rule.

15. 40 CFR 270.16(h)(2) is not incorporated in this rule.

16. An owner/operator who stores, treats, or disposes of hazardous waste in surface impoundments shall provide the following information in addition to the requirements of 40 CFR 270.17 incorporated in this rule: detailed plans and an engineering report explaining the location of the saturated zone in relation to the surface impoundment and the design of a double-liner system that incorporates a leak detection system between liners.

17. An owner/operator who disposes of hazardous waste in landfills shall provide the following information in addition to the requirements of 40 CFR 270.21 incorporated in this rule:

A. Engineering reports which describe the geology and hydrology of the site and demonstrate the site suitability as required in 10 CSR 25-7.264(2)(N)1.;

B. Detailed plans and an engineering report addressing the following items:

(I) Management of run off from the disposal facility or unit;

(II) Minimization of erosion, landslides, and sloughing;

(III) Control of horizontal migration of leachate where applicable;

(IV) Delineation of a three hundred foot (300') buffer between the property line of the disposal facility and area to be permitted;

(V) Control of wind dispersal of waste particulate matter where applicable;

(VI) Control of odor dispersal where applicable; and

(VII) Control of escape of gases where applicable.

C. Detailed plans and engineering report explaining the location of the saturated zone in relation to the landfill and the design of



a double-liner system that incorporates a leachate collection and removal system above and between the liners; and

D. An explanation of how the volatile waste standards in 10 CSR 25-7.264(2)(N)4. are met.

18. An owner/operator of a hazardous waste treatment facility or operating disposal facility shall submit a health profile as set forth in 10 CSR 25-7.264(2)(P).

19. The person applying for a permit under sections 260.350–260.434, RSMo, shall notify the department in the permit application of any convictions for any acts occurring after July 9, 1990, which would have the effect of limiting competition. The applicant, after submission of the permit application and prior to permit issuance, shall notify the department in writing within thirty (30) days of any conviction for any act which would have the effect of limiting competition.

20. 40 CFR 270.26 is not incorporated in this rule.

21. The owner/operator of a TSD facility that accepts and/or ships hazardous waste via railroad tank car (railcar) shall submit a railcar management plan in accordance with the requirements set forth in 10 CSR 25-7.264(3).

22. The person applying for a permit under sections 260.350–260.434, RSMo shall comply with the requirements of 10 CSR 25-8.124(1).

(D) Changes to Permit. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart D.

1. In addition to the requirements of 40 CFR 270.40(b), the department shall determine, in accordance with subsection (2)(H) of this rule, whether the proposed owner or operator, including an officer or management employee of the proposed owner or operator, is a person described in section 260.395.16, RSMo, and whether any of the conditions specified in section 260.395.17, RSMo, would exist if the proposed transfer were to take place.

2. “Revocation and reissuance” of a permit, as that term is used in 40 CFR part 270 incorporated in this rule, shall mean the same as “total modification” as that term is used in 10 CSR 25-8.124.

3. The “termination” of a permit, as used in 40 CFR part 270 incorporated in this rule, shall mean the same as “revocation” of a permit as used in 10 CSR 25-8.124.

4. The director shall suspend, revoke, or not renew the permit of any person to treat, store, and dispose of hazardous waste if that person has had two (2) or more convictions in any court of the United States or of any state other than Missouri, or two (2) or more convictions within a Missouri court for crimes or criminal acts occurring after July 9, 1990, an element of which involves restraint of trade, price fixing, intimidation of the customers of any person or for engaging in any other acts which may have the effect of restraining or limiting competition concerning activities regulated under Chapter 260, RSMo, the Resource Conservation and Recovery Act, or similar laws of other states within any five (5)-year period. Convictions by entities which occurred prior to the purchase or acquisition by a permittee shall not be included. The permittee shall submit a written report to the department within thirty (30) days of the conviction or plea. The report shall include information explaining the charge(s) on which the permittee was convicted, the date(s) of the conviction(s), and the date(s) and charge(s) of previous convictions.

5. The owner/operator of a facility that has had his/her permit (issued under the provisions of sections 260.350–260.434, RSMo) revoked under section 260.379, RSMo, may apply to the department for reinstatement of his/her permit after five (5) years [has] have elapsed from the date of the last conviction of crimes or criminal acts as described in section 260.379, RSMo. The application must be in writing and accompanied by a reapplication fee, updated permit application, and any other information the department deems necessary in order to reinstate the permit.

6. 40 CFR 270.42(j)(1) and 40 CFR 270.42(j)(2) are not incorporated in this rule.

7. **40 CFR 270.42(l) is not incorporated into this rule.**

**AUTHORITY:** section[s] 260.370, RSMo Supp. [2005] **2007 and sections 260.390 and 260.395, RSMo 2000.** Original rule filed Dec. 16, 1985, effective Oct. 1, 1996. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 15, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or public subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on December 18, 2008, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on December 26, 2008. Faxed or emailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

## **Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 11—Used Oil**

### **PROPOSED AMENDMENT**

**10 CSR 25-11.279 Recycled Used Oil Management Standards.** The commission is amending section (1).

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the **Code of Federal Regulations (CFR)**. Currently, the regulations incorporate by reference the 2004 CFR, which includes changes through July 1, 2004. One (1) of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2006 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2004, and July 1, 2006. Department staff have reviewed the changes made to 40 CFR part 279, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the **Code of Federal Regulations**.

(1) The regulations set forth in 40 CFR parts 110.1, 112, and 279, July 1, [2004] **2006**, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A)

shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

**AUTHORITY:** section 260.370, RSMo Supp. [2005] 2007. Original rule filed Jan. 5, 1994, effective Aug. 28, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 15, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on December 18, 2008, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on December 26, 2008. Faxed or emailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 12—Hazardous Waste Fees and Taxes**

**PROPOSED AMENDMENT**

**10 CSR 25-12.010 Fees and Taxes.** The commission is amending section (1) and subsection (3)(A).

**PURPOSE:** This amendment codifies changes to fees paid by hazardous waste generators that were contained in Senate Bill 225, passed by the Missouri General Assembly in 2005.

(1) Hazardous Waste Fees *[and Taxes]* Applicable to Generators of Hazardous Waste.

(A) A generator of hazardous waste shall pay *[the following fee as required by subdivision 260.380.1(10), RSMo. A generator as defined in 10 CSR 25-5.262, unless paragraph (1)(A)1., 2. or 3. of this rule provides otherwise, shall pay a fee of one dollar per ton (\$1/ton) of hazardous waste generated. This fee shall be payable to the state of Missouri. The fee shall be paid in accordance with the following procedures: The fee shall be paid on an annual basis on or before January 1 of each year. The fee shall equal the product of one dollar per ton (\$1/ton) multiplied by the amount of tons of hazardous waste generated during the twelve (12)-month period ending June 30 of the calendar year immediately preceding January 1 of the calendar year in which payment is due. (For example, a generator would be billed in December 1992 for waste produced during the period July 1, 1991 through June 30, 1992.) The fee is applied*

*to hazardous waste defined by or listed in 10 CSR 25-4.261 which is regulated as hazardous waste at the time of its generation except as paragraph (1)(A)1., 2. or 3. of this rule provides otherwise. The fee shall not exceed ten thousand dollars (\$10,000) per generator per year.] a fee annually in accordance with section 260.380.1(10), RSMo. This fee shall be referred to as the In-State Waste Fee. The fee shall be paid annually, on or before January 1 of each year, at the rate of five dollars (\$5) per ton or portion thereof for the hazardous waste reported to the department for the twelve (12)-month period ending June 30 of the previous year. The fee shall not be less than one hundred fifty dollars (\$150) and not more than fifty-two thousand dollars (\$52,000) annually per generator site. As outlined in section 260.380.4, RSMo, failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee.*

### EXAMPLES OF IN-STATE WASTE FEE CALCULATION

**Example 1.** ABC Company reports 25 tons of hazardous waste:

$$\$5 \times 25 \text{ tons} = \$125 \text{ fee}$$

The fee would be \$150, because that is the minimum annual fee.

**Example 2.** ABC Company reports 41.3 tons of hazardous waste.

The number of tons would be rounded to 42:

$$\$5 \times 42 \text{ tons} = \$210 \text{ fee}$$

**Example 3.** ABC Company reports 11,000 tons of hazardous waste:

$$\$5 \times 11,000 \text{ tons} = \$55,000 \text{ fee}$$

The fee would be \$52,000, because that is the maximum annual fee.

1. Hazardous waste that is discharged by a generator to a municipal wastewater treatment plant, which is regulated by a permit issued by the Missouri Clean Water Commission, shall be assessed a fee of zero cents per ton (0¢/ton) of hazardous waste so managed.

[2. The fee shall not be imposed upon any generator who has registered with the department, in accordance with 10 CSR 25-5.262, less than ten (10) tons of hazardous waste per year.]

(C) A generator required to register in accordance with 10 CSR 25-5.262, in accordance with [subdivision 260.390(8)] **section 260.390.2**, RSMo, shall pay a landfill tax which is collected by the landfill owner/operator when depositing waste at a hazardous waste landfill.

[(D) An individual generator required to register in accordance with 10 CSR 25-5.262 shall pay a tax based on the volume by weight and management method in accordance with subsection (1)(E) of this rule and as required by section 260.479, RSMo. Sixty percent (60%) of revenues collected from this tax shall be transmitted by the department to the Missouri Department of Revenue for deposit in the hazardous waste remedial fund and forty percent (40%) of revenues collected from this tax shall be deposited in the hazardous waste fund. The tax will be based on the volume of hazardous waste generated and the management method utilized beginning on July 1 of the year preceding the billing year and through June 30 of the billing year. A company shall not annually pay more than eighty-four thousand one hundred thirty-two dollars (\$84,132) collectively for all combined plant sites under the provisions of this subsection unless the company also has a facility utilizing blended hazardous waste fuel, nor shall a generator who is required to register in accordance with 10 CSR 25-5.262 pay less than fifty-two dollars and fifty-nine cents (\$52.59) annually. However, as outlined in subdivision 260.479.2(2), RSMo these minimum and maximum amounts may be adjusted annually by the commission by up to (2.55%).]

1. The following hazardous wastes are exempted from this tax:

A. Any hazardous wastes generated by the state and any political subdivision of the state;

B. Waste oil;

C. Any hazardous waste generated by a person who qualifies as a conditionally exempt generator due to the quantity of waste generated in one (1) month or accumulated at one (1) time as specified under 10 CSR 25-3.260(1)(A)25.; and

D. Hazardous wastes legitimately discharged into a publicly-owned treatment works and exempted in 10 CSR 25-4.261. (Comment: This exclusion does not exclude sludges that are hazardous waste and are generated by industrial wastewater treatment.)

2. This tax shall not be imposed upon the following hazardous waste: hazardous waste fuel produced from hazardous waste by processing, blending or other treatment; hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site under sections 260.435–260.550, RSMo or as part of a remedial plan required under sections 260.350–260.434, RSMo; or smelter slag waste from the processing of materials into reclaimed metals.

A. Beginning with the billing sent out in December 2001 for hazardous waste generated July 1, 2000 through June 30, 2001, the exemption for hazardous waste fuel produced from hazardous waste by processing, blending or other treatment shall be removed in accordance with subdivisions 260.479.5, RSMo and 260.479.7, RSMo. However, this tax on hazardous waste fuel shall be assessed upon and paid by the facility utilizing such hazardous waste fuel as a substitute for other fuel. The tax shall be assessed and paid based upon the reporting year in which the hazardous waste fuel is received by the facility. No individual facility utilizing hazardous waste fuel shall pay more than eighty-four thousand one hundred thirty-two dollars (\$84,132) annually as a facility utilizing blended hazardous waste fuel; however, this amount is in addition to the potential eighty-four thousand one hundred thirty-two dollars (\$84,132) company cap which these facilities may be subject to as a generator of hazardous waste.

(E) A generator who is not otherwise exempted by paragraph (1)(D)1., 2. or 3. of this rule shall pay a tax in each of the applicable subdivisions.

#### 1. SUBDIVISION A—TAX.

A. A generator who manages hazardous waste by on-site storage that requires a permit in accordance with 10 CSR 25-7.264 or interim status in accordance with 10 CSR 25-7.265 or off-site storage that is not in conjunction with incineration, resource recovery, treatment or any other similar management method and a generator utilizing a disposal facility shall use the following formula to calculate his/her tax for hazardous waste generated from each state fiscal year, July 1 of each year through June 30 of the following year. (Note: A disposal facility means a facility or part of a facility at which hazardous waste is intentionally placed into

or on any land or water and, at which, the waste will remain after closure.)

B. Tax in subdivision A =  $(\$22.93 + (\$.084015 \times \text{number of tons generated})) \times (.90785 \times \text{number of tons generated})$ . No individual site shall pay more than eighty-four thousand one hundred thirty-two dollars (\$84,132) annually for subdivision A waste.

### 2. SUBDIVISION B—TAX.

A. A generator who utilizes a management technique not included in subdivision A shall use the following formula to calculate his/her tax for hazardous waste generated during the state fiscal year.

B. Tax in subdivision B =  $(\$11.47 + (\$.042008 \times \text{number of tons generated})) \times (.90785 \times \text{number of tons generated})$ . No individual site shall pay more than forty-two thousand sixty-six dollars (\$42,066) annually for subdivision B waste.

### 3. TOTAL TAX.

A. The total tax for a generator is the applicable tax in subdivision A plus the applicable tax in subdivision B. No company shall pay annually more than eighty-four thousand one hundred thirty-two dollars (\$84,132) or less than fifty-two dollars and fifty-nine cents (\$52.59) under subsection (1)(E) unless they are also a facility utilizing blended hazardous waste fuel.

B. The billing of each year will be based on information submitted by generators and facilities on the quarterly manifest summary reports required at 10 CSR 25-5.262(2)(D)1., 10 CSR 25-7.264(2)(E)3. and 10 CSR 25-7.265(2)(E). The billing will be based on waste generated during the previous state fiscal year.]

[(F)](D) The department will bill those generators whose records on file indicate that they are subject to taxes or fees in section (1). However, if a generator does not receive a billing, it does not relieve the generator of the responsibility to pay fees or taxes imposed by this rule.

[(G)] As outlined in subdivision 260.479.2(2), RSMo, the commission may annually adjust by a maximum of (2.55%), all fee amounts referred to in (1)(D) and (1)(E) of this rule. This adjustment may include the minimum fee, the maximum fees and the rates used to calculate the fee each generator shall pay.]

(3) Fees and Taxes Applicable to Applicants for Permits or Certifications and to Owners/Operators of Treatment, Storage, Disposal, or Resource Recovery Facilities.

(A) An owner/operator of hazardous waste treatment, storage, or disposal facility shall pay fees and taxes required in subsections (1)(A), (B), [(D) and (E)] and (C) of this rule. An owner/operator of a hazardous waste treatment, storage, disposal, or resource recovery facility also shall pay fees and taxes required in section (1) of this rule for hazardous waste which is transported off-site for final disposition. (Note: These fees are not applicable to waste transported off-site for storage only; however, the fees are applicable to the waste transported from the storage facility to the point of final disposition except as provided in section (1).)

**AUTHORITY:** sections 260.370, 260.380, and 260.391, RSMo Supp. 2007 and sections 260.390, 260.395, 260.437, and 260.479, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 15, 2008.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on December 18, 2008, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on December 26, 2008. Faxed or emailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 13—Polychlorinated Biphenyls

### PROPOSED AMENDMENT

**10 CSR 25-13.010 Polychlorinated Biphenyls.** The commission is amending sections (1) and (4).

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, the regulations incorporate by reference the 2004 CFR, which includes changes through July 1, 2004. One (1) of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2006 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2004, and July 1, 2006. Department staff have reviewed the changes made to 40 CFR part 761, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The commission is amending sections (1) and (4) of this rule.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The regulations set forth in 40 CFR parts 761.3, 761.30(a)(2)(v), 761.60(b)(1)(i)(B), 761.60(g), 761.65(b), 761.71, 761.79, [40 CFR] 761.72, and 761.180(b), July 1, [2000] 2006, as published by the Office of Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any

other modifications set forth in this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(4) Manifesting, Record Keeping, and Reporting.

(B) Manifests. *[No Missouri PCB facility shall accept a consignment of PCB material, PCB units or both unless it is accompanied by a hazardous waste manifest that meets the requirements of this section. All consignments of PCB material, PCB units or both originating from a Missouri PCB facility shall be accompanied by a hazardous waste manifest that meets the requirements of this section.] All shipments destined to or originating from a Missouri PCB facility shall use EPA's Uniform Hazardous Waste Manifest.*

*[1. If a consignment is destined for a Missouri PCB facility, then an EPA Form 8700-22/MDNR-HWG-10 (Missouri Hazardous Waste Manifest) (see 10 CSR 25-7.270) or its equivalent shall be completed and used according to the Missouri Hazardous Waste Manifest Instructions and the supplemental instructions for PCB manifests. The manifests and instructions are available from the department;*

*2. If a consignment originates from a Missouri PCB facility and is destined for a facility located in a state which does not regulate PCBs, then an EPA form 8700-22/MDNR-HWG-10 (Missouri Hazardous Waste Manifest) or its equivalent shall be completed and used according to the Missouri Hazardous Waste Manifest Instructions and the supplemental instructions for PCB manifests. The manifests and instructions are available from the department;*

*3. If a consignment originates from a Missouri PCB facility and is destined for a facility located in a state which regulates PCBs and the receiving state requires the use of a particular version of the Uniform Hazardous Waste Manifest (EPA Form 8700-22 or its equivalent), then the receiving state's manifest shall be used and completed according to the receiving state's manifest instructions;*

*4. The manifest shall include the following information:*

*A. The consignor's name, business address and phone number;*

*B. The transporter(s) name(s), phone number(s) and Missouri identification number(s);*

*C. The designated facility's name, site address and phone number;*

*D. The proper United States Department of Transportation (DOT) description of the consignment;*

*E. The number and type of containers;*

*F. The total quantity of the consignment expressed in standard units of weight or volume;*

*G. The appropriate PCB identification number(s) from subsection (4)(A) of this rule;*

*H. A prominent display of the words "PCB Manifest" in item 15 of the manifest; and*

*I. The original, dated signatures of the consignor, transporter(s) and facility operator;*

*5. Consignments of PCB material, PCB units or both shall be manifested separately from shipments of hazardous waste even if being conveyed by the same transporter to the same designated facility; and]*

*[6.] The owner/operator of a Missouri PCB facility who ships PCB material, PCB units, or both off-site for treatment, storage, or disposal shall comply with the following requirements:*

*[A.]1. The owner/operator of a Missouri PCB facility shall contract with the designated facility to return the completed manifest to the Missouri PCB facility within thirty-five (35) days after the date the waste was accepted by the initial transporter;*

*[B.]2. An owner/operator of a Missouri PCB facility who does not receive a copy of the PCB manifest with a handwritten signature of the owner/operator of the designated facility within thirty-five (35) days of the date the waste was accepted by the initial transporter shall contact the transporter, the owner/operator of the designated facility, or both, to determine the status of the consignment;*

*[C.]3. An owner/operator of a Missouri PCB facility who has not received the completed manifest with the handwritten signature of the owner/operator of the designated facility within thirty-five (35) days from the date the waste was accepted by the initial transporter shall submit a completed exception report to the department within forty-five (45) days from the date the waste was accepted by the initial transporter; and*

*[D.]4. The exception report shall include the following: the name, address, and telephone number of the Missouri PCB facility; the name, address, and telephone number and Missouri transporter license number for each transporter; the name, address, and telephone number of the designated facility; the manifest document numbers followed by the date of shipment; the waste description and the PCB identification number(s); the total quantity of PCB material, PCB units, or both, and the appropriate abbreviation for units of measure as follows: G—gallons (liquids only); P—pounds; T—tons (2,000 lbs.); Y—cubic yards; L—liters (liquid only); K—kilograms; M—metric tons (1,000 kg); N—cubic meters; the following certification statement, signed and dated by an authorized representative of the Missouri PCB facility: "I have personally examined and am familiar with the information submitted on this form. I hereby certify that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information which include/s/ fine and imprisonment"; a legible copy of the manifest document originated by the Missouri PCB facility and signed by the initial transporter which was retained by the Missouri PCB facility and for which the Missouri PCB facility does not have confirmation of delivery; and a cover letter signed by the facility owner/operator or his/her authorized representative explaining the efforts taken to locate the PCB material, PCB units, or both, and the results of those efforts.*

*AUTHORITY: section[s] 260.370, RSMo Supp. 2007 and sections 260.395 and 260.396, RSMo 2000. Original rule filed Aug. 14, 1986, effective Jan. 1, 1987. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on December 18, 2008, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

*Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO, 65102-0176. To be accepted, written comments must be postmarked by midnight on December 26, 2008. Faxed or emailed correspondence will not be accepted.*

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 16—Universal Waste**

**PROPOSED AMENDMENT**

**10 CSR 25-16.273 Standards for Universal Waste Management.**  
The commission is amending sections (1) and (2).

*PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the Code of Federal Regulations (CFR). Currently, the regulations incorporate by reference the 2004 CFR, which includes changes through July 1, 2004. One (1) of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2006 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2004, and July 1, 2006. Department staff have reviewed the changes made to 40 CFR part 263, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the Code of Federal Regulations.*

(1) The regulations set forth in 40 CFR part 273, July 1, [2004] 2006, and the changes made at 72 FR 35666, June 29, 2007, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) Small and large quantity handlers of universal waste, universal waste transporters, universal waste collection programs, and owners/operators of a universal waste destination facility shall comply with the requirements noted in this section in addition to requirements set forth in 40 CFR part 273 incorporated in this rule. (Comment: This section has been organized such that Missouri additions or changes to a particular federal subpart are noted in the corresponding subsection of this section. For example, the requirements to be added to 40 CFR part 273 subpart A are found in subsection (2)(A) of this rule.)

(A) General. In addition to the requirements in 40 CFR part 273 subpart A, the following regulations also apply:

1. Scope.

A. [In addition to the requirements in 40 CFR 273.1(a), incorporated into this rule, this part establishes requirements for mercury switches as described in subparagraph (2)(A)4.A. of this rule, and mercury-containing thermometers and manometers as described in subparagraph (2)(A)4.B. of this rule.]

[B.] This rule does not apply to an owner/operator for that portion of or process at the facility which is in compliance with all requirements for the universal waste in question and of an R2

Missouri-certified resource recovery facility recycling universal waste as described in 10 CSR 25-9.020(3)(A)3.;

2. Applicability—batteries.

A. The additional state specific requirements described in this rule do not apply to batteries as described in 40 CFR 273.2;

3. Applicability—pesticides.

A. 40 CFR 273.3(a)(2) is modified as follows: Stocks of other unused pesticide products that are collected and managed as part of a universal waste pesticide collection program, as defined in paragraph (2)(A)9. of this rule.

(I) 40 CFR 273.3(c) is not incorporated in this rule, and this subparagraph describes when pesticides become wastes:

(a) A pesticide becomes a waste on the date the generator of a recalled pesticide agrees to participate in the recall;

(b) A pesticide becomes a waste on the date the person conducting a recall decides to discard the pesticide; and

(c) An unused pesticide product as described in 40 CFR 273.3(a)(2) becomes a waste on the date the generator permanently removes it from service.

B. The words “or reclamation” in 40 CFR 273.3(d)(1)(ii) are not incorporated in this rule;

4. (Reserved) [Applicability—mercury switches, mercury-containing thermometers and manometers.

A. Mercury switches.

(I) The requirements of this rule apply to persons managing mercury switches, defined as a device used to open, close or divert an electrical circuit that contains metallic mercury in an ampule and mercury-containing ampules that have been removed from these devices, except those listed in part A.(II) of this paragraph.

(II) The requirements of this rule do not apply to persons managing the following mercury switches:

(a) Mercury switches that are not yet wastes under 10 CSR 25-4.261. Part A.(III) of this paragraph describes when mercury switches become wastes;

(b) Mercury switches that are not hazardous waste. A mercury switch is a hazardous waste if it exhibits one (1) or more of the characteristics identified in 10 CSR 25-4.261.

(III) Generation of waste mercury switches.

(a) A used mercury switch becomes a waste on the date it is discarded or permanently removed from service.

(b) An unused mercury switch becomes a waste on the date the handler discards it or permanently removes it from service;

B. Mercury-containing thermometers and manometers.

(I) The requirements of this rule apply to persons managing mercury-containing thermometers and manometers, defined as instruments used to measure temperature or pressure that contain metallic mercury in glass tubes with sealed, capillary bores and the mercury-containing tubes that have been removed from these devices, except those listed in part B.(II) of this paragraph.

(II) The requirements of this rule do not apply to persons managing the following mercury-containing thermometers and manometers:

(a) Mercury-containing thermometers and manometers that are not yet wastes under 10 CSR 25-4.261. Part B.(III) of this paragraph describes when mercury-containing thermometers and manometers become wastes;

(b) Mercury-containing thermometers and manometers that are not hazardous waste. A mercury-containing thermometer and manometer is a hazardous waste if it exhibits one (1) or more of the characteristics identified in 10 CSR 25-4.261.

(III) *Generation of waste mercury-containing thermometers and manometers.*

(a) *A used mercury-containing thermometer or manometer becomes waste on the date it is discarded or permanently removed from service.*

(b) *An unused mercury-containing thermometer or manometer becomes a waste on the date the handler discards it or permanently removes it from service;]*

5. (Reserved)

6. (Reserved)

7. (Reserved)

8. *Applicability—household and conditionally exempt small quantity generator waste.*

A. In addition to the requirements of 40 CFR 273.8(a)(1) incorporated in this rule, household hazardous wastes which are of the same type as universal wastes defined at 40 CFR 273.9 as amended by **paragraph (2)(A)9.** of this rule, and which are segregated from the solid waste stream must either be managed in compliance with this rule or 10 CSR 25-4.261(2)(A)/9./10.;

9. *Definitions.*

A. Universal waste—In lieu of the definition of “Universal waste” in 40 CFR 273.9, the following definition shall apply: “Universal waste” means batteries as described in 40 CFR 273.2, pesticides as described in 40 CFR 273.3 as modified by paragraph (2)(A)3. of this rule, **mercury-containing equipment [switches] as described in [subparagraph (2)(A)4.A. of this rule, thermostats as described in 40 CFR 273.4, as incorporated in this rule, mercury-containing thermometers and manometers as described in subparagraph (2)(A)4.B. of this rule.] 40 CFR 273.4, and lamps as described in 40 CFR 273.5.**

B. Universal Waste Pesticide Collection Program—a Missouri universal waste pesticide collection program is any site where stocks of unused pesticide products are collected and managed. The collection program may accept unused pesticide products from both small and large quantity handlers of universal waste pesticides, universal waste transporters, and other universal waste pesticide collection programs. The collection program must operate in compliance with the Department of Natural Resources’ Standard Procedures for Pesticide Collection Programs in Missouri and submit a Letter of Intent to the director of the Hazardous Waste Program at least fourteen (14) days prior to accepting unused pesticide products. The Letter of Intent shall contain all of the following:

(I) The name of the organization/agency sponsoring the collection program;

(II) Name, telephone number, and address of a contact person responsible for operating the collection program;

(III) Location of the collection program; **and**

(IV) Date and time of the collection.

(B) Standards for Small Quantity Handlers of Universal Wastes. In addition to the requirements in 40 CFR part 273 subpart B, the following regulations also apply except that additional state specific requirements do not apply to batteries as described in 40 CFR 273.2, as incorporated in this rule:

1. In addition to the requirements of 40 CFR 273.11, a small quantity handler of universal waste is prohibited from accepting universal waste pesticides from other universal waste pesticide handlers unless the receiving small quantity handler operates a universal waste pesticide collection program as defined in paragraph (2)(A)9. of this rule;

[2. *The requirements of 40 CFR 273.13(c) for small quantity handlers of universal waste thermostats, as incorporated in this rule, shall also apply to small quantity handlers of universal waste mercury switches and universal waste mercury-containing thermometers and manometers. Throughout 40 CFR 273.13(c), as incorporated in this rule, the word “thermostat” or “thermostats” shall be replaced with the phrase “thermostat, mercury switch, or thermometers and manometers,” as appropriate;*

3. *In addition to the requirements of 40 CFR 273.14, as incorporated in this rule, universal waste mercury switches (i.e., each switch, or a container in which the switches are contained) must be labeled or marked clearly with any one (1) of the following phrases: “Universal Waste—Mercury Switch(es),” or “Waste Mercury Switch(es),” or “Used Mercury Switch(es);”*

4. *In addition to the requirements of 40 CFR 273.14, as incorporated in this rule, universal waste thermometers or manometers (i.e., each item, or a container in which the items are contained) must be labeled or marked clearly with any one (1) of the following phrases as is applicable to the waste: “Universal Waste—Mercury-Containing Thermometer(s) or Manometer(s),” or “Waste Mercury-Containing Thermometer(s) or Manometer(s),” or “Used Mercury-Containing Thermometer(s) or Manometer(s);”]*

[5./2. The phrase “or received from another handler” in 40 CFR 273.15(a) in regards to universal waste pesticides is not incorporated in this rule;

[6./3. In 40 CFR 273.18(a), with respect to universal waste pesticides, remove the phrase “another universal waste handler” and replace it with “a Missouri-certified resource recovery facility, a universal waste pesticide collection program”;

[7./4. In addition to the requirements of 40 CFR 273.18(a) through (c) as modified in paragraphs (2)(B)/5./2. through (2)(B)/7./4. and incorporated in this rule, in regards to universal waste pesticides, if a shipment of universal waste pesticides is rejected by the Missouri-certified resource recovery facility or destination facility, the originating handler must either:

A. Receive the waste back when notified that the shipment has been rejected; or

B. Send the pesticides to another Missouri-certified resource recovery facility or to a destination facility which agrees to take the waste;

[8./5. 40 CFR 273.18(d) through (g) is not incorporated in this rule in regards to universal waste pesticides;

[9./6. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 273.20, as incorporated in this rule. The state may not assume authority from the EPA to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies.

(C) Standards for Large Quantity Handlers of Universal Wastes. In addition to the requirements in 40 CFR part 273 subpart C, the following regulations also apply:

1. In addition to the requirements of 40 CFR 273.31, a large quantity handler of universal waste is prohibited from accepting universal waste pesticides from other universal waste pesticide handlers unless the receiving large quantity handler operates a universal waste pesticide collection program as defined in paragraph (2)(A)9. of this rule;

2. A large quantity handler of universal waste who manages recalled universal waste pesticides as described in 40 CFR 273.3(a)(1) as modified by 10 CSR 25-16.273(2)(A)3. and who has sent notification to EPA as required by 40 CFR part 165 is not required to notify EPA for those recalled universal waste pesticides under this section;

[3. *The requirements of 40 CFR 273.33(c) for large quantity handlers of universal waste thermostats, as incorporated in this rule, shall also apply to large quantity handlers of universal waste mercury switches and mercury-containing thermometers and manometers. Throughout 40 CFR 273.33(c), as incorporated in this rule, the word “thermostat” or “thermostats” shall be replaced with the phrase “thermostat, mercury switch, thermometer and manometer,”*



or “thermostats, mercury switches, thermometers and manometers,” as appropriate;]

[4./3. In addition to the requirements in 40 CFR 273.33, a large quantity handler of universal waste must manage universal waste [thermostats, mercury switches, thermometers, manometers and mercury-containing lamps] **mercury-containing equipment** in a way that prevents releases of any universal waste or components of universal waste to the environment, as follows:

A. Ensure that a mercury clean-up system is readily available to immediately transfer any mercury contaminated residue resulting from breakage, spills, or leaks into a container that meets the requirements of 40 CFR 262.34;

B. Ensure that the area in which containers are stored is ventilated;

**4. In addition to the requirements in 40 CFR 273.33, a large quantity handler of universal waste must manage universal waste lamps in a way that prevents releases of any universal waste or components of universal waste to the environment, as follows:**

A. Ensure that a mercury clean-up system is readily available to immediately transfer any mercury-contaminated residue resulting from breakage, spills, or leaks into a container that meets the requirements of 40 CFR 262.34;

B. Ensure that the area in which containers are stored is ventilated; and

C. Ensure that employees handling universal waste lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of spillage or released material into appropriate containers;

[5. In addition to the requirements of 40 CFR 273.34, as incorporated in this rule, universal waste mercury switches (i.e., each switch, or a container in which the switches are contained) must be labeled or marked clearly with any one (1) of the following phrases: “Universal Waste—Mercury Switch(es),” or “Waste Mercury Switch(es),” or “Used Mercury Switch(es)”;

6. In addition to the requirements of 40 CFR 273.34, as incorporated in this rule, universal waste thermometers and manometers (i.e., each item, or a container in which the items are contained) must be labeled or marked clearly with any one (1) of the following phrases as is applicable to the waste: “Universal Waste—Mercury-Containing Thermometer(s) or Manometer(s),” or “Waste Mercury-Containing Thermometer(s) or Manometer(s),” or “Used Mercury-Containing Thermometer(s) or Manometer(s)”;

[7./5. In 40 CFR 273.35(a) and (b), the phrase[s] “or received from another handler” [are] is not incorporated in this rule in regards to universal waste pesticides;

[8./6. In 40 CFR 273.35(c)(1) through (c)(6), the phrases “or is received” and “or was received” are not incorporated in this rule in regards to universal waste pesticides;

[9./7. In 40 CFR 273.38(a), with respect to pesticide, remove the phrase “another universal waste handler” and replace it with “a Missouri-certified resource recovery facility, a universal waste pesticide collection program”;

[10./8. In addition to the requirements of 40 CFR 273.38(a) through (c) incorporated by reference and modified by this section, if a shipment of universal waste pesticides from a large quantity generator is rejected by the Missouri-certified resource recovery facility or destination facility, the original handler must either:

A. Receive the waste back when notified that the shipment has been rejected; or

B. Send the waste to another Missouri-certified resource recovery facility or to a destination facility which agrees to take the waste;

[11./9. 40 CFR 273.38(d) through (f) is not incorporated in this rule with regards to universal waste pesticides;

[12./10. 40 CFR 273.39(c)(1) is not incorporated in this rule in regards to universal waste pesticides;

[13./11. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 273.40, as incorporated in this rule. The state may not assume authority from the EPA to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies.

*AUTHORITY:* section 260.370, RSMo Supp. [2005] 2007. Original rule filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed March 31, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 15, 2008.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on December 18, 2008, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on December 26, 2008. Faxed or emailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

## Title 12—DEPARTMENT OF REVENUE

### Division 10—Director of Revenue

### Chapter 23—Motor Vehicle

## PROPOSED AMENDMENT

**12 CSR 10-23.100 [Personalized] Special License Plates.** The director proposes to amend the title, purpose, and sections (1) through (20), to renumber accordingly and to delete the forms which follow this rule in the *Code of State Regulations*.

*PURPOSE:* This proposed amendment streamlines and clarifies existing language, revises the definition of special license plates, and changes the expiration month of certain special license plates.

*PURPOSE:* This rule establishes categories of special[ized personalized] license plates as well as the procedure for application for and issuance of the [personalized] special license plates.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more



*than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) For the purpose of this rule, "special license plates" shall include **all** personalized, **military**, collegiate, helping schools, and *[other]* special organizational license plates/.

*(2) Special license plates are Missouri license plates containing that contain letters and/or numbers [in the format requested by the applicant. The combination of letters and/or numbers] and may include one apostrophe ('), one space, or one dash (—).*

*[(3)](2) All special [personalized] license plates are available in the following plate categories[:]*—

- (A) Passenger;
- (B) Recreational Vehicle (**RV**);
- (C) Local 6;
- (D) Local 12;
- (E) Beyond Local 6;
- (F) Beyond Local 12;
- (G) Motorcycle/Motortricycle;
- (H) Local and Beyond Local 18*—Professional Sports Team license plates only*;
- (I) Shuttle Bus—regular personalized plates only;
- (J) Van Pool—regular personalized plates only; and
- (K) Historic—regular personalized plates only.

*[(4)](3) No special license plate will be issued which will conflict with any license number used or to be used in the regular license plate numbering system.*

*[(5) No two (2) owners shall be issued identical plates; and no plates shall be issued containing or suggesting any profane or obscene word or phrase.*

*(6) No refunds will be made on the unused portion of any license plates surrendered for special license plates.]*

*[(7)](4) Special license plates are not assigned to a particular vehicle until the plates are actually issued to the owner of that vehicle by the Department of Revenue.*

*[(8)](5) Special license plates shall not be transferred from one (1) owner to another **unless provided by law**, except that the holder of a special plate may follow the procedures established by the director in order to display his/her special plate on a vehicle leased by the holder after approval by the director; and they shall not be transferred from one (1) vehicle category to another. This includes any request for transfer by gift, trust, will, or judicial proceeding.*

*[(9)](6) The director of revenue shall reserve the right to approve or disapprove any request for special license plates or the transfer of license plates from one (1) vehicle to another in the same category.*

*[(10)](7) The month of expiration on all special license plates for motorcycles and motortricycles will be April of each year. Special license plates issued to **members of** the United States Congress, Missouri State Senate, **and** Missouri House of Representatives; **honorary consulars**; and the following statewide elected officials: governor, lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general, which are issued in accordance with section 301.144, RSMo, will expire in January of each year. The month of expiration on all other special license plates **issued or renewed prior to January 1, 2009**, shall be staggered. **Special license plates issued or renewed on or after January 1, 2009**, shall expire as detailed in the chart below. Registrations for special license plates will be issued for a minimum of six (6) months except as other-*

**wise determined by the director. Applicants who purchase a biennial registration will extend the registration another year with the total registration not to exceed thirty (30) months.**

SPECIAL LICENSE PLATE CATEGORY	EXPIRATION MONTH
Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, United States Congress, Missouri State Senate, Missouri House of Representatives, and Honorary Consulars	January
Passenger, RV, 6,000 and 12,000 lb. Commercial Motor Vehicle (CMV), Shuttle Bus, Van Pool, Personalized Historic	July
Motorcycle/tricycle	April
18,000 lb. and above CMV	December

[(11)] Any person wanting to obtain special license plates must make original application for the plates on a form approved by the director of revenue and shall pay a fee of fifteen dollars (\$15) in addition to the regular registration fees. If at the time of registration the applicant applies for a biennial registration, s/he must submit a second special/personalized license plate fee. Application forms will be available to the public at all branch offices, fee agent offices and the Central Office of the department.]

[(12)](8) [Each i]Initial applications for special license plates shall be made on [a form prescribed by the director and] Form 1716, Application For Missouri Personalized And Special License Plates, or Form 4601, Application For Missouri Military Personalized License Plates, respectively. The Application For Missouri Personalized And Special License Plates, revised October 2008 and Application For Missouri Military Personalized License Plates, revised July 2008, both of which are incorporated by reference, are published by and can be obtained from the Missouri Department of Revenue, PO Box 43, Jefferson City, MO 65105-0043 or at <http://dor.mo.gov/mvdl/motorv/forms/>. These applications do not include any amendments or additions to their October 2008 and July 2008 editions respectively. Initial applications must be submitted to the Department of Revenue, P[.]O[.] Box [100] 569, Jefferson City, MO 65105-[0100]0569. [Each a]Applications shall be accompanied by a special license plate fee of fifteen dollars (\$15), and a current emblem-use authorization statement [in the case of collegiate license plates] or proof of military service, if required by law.

[(13)](9) [If the a]Applicants who [applies] apply for a biennial registration at the time [s/he] they pick[s] up [his/her] or renew their special license plates[, the applicant] must submit a second fifteen-dollar (\$15) fee and emblem-use authorization statement indicating the minimum donation or the original emblem-use authorization statement indicating twice the annual minimum donation, if applicable.

[(14)] An applicant may receive his/her special license plates by surrendering his/her regular registration plates and paying any additional fees due on a prorated basis or by not surrendering his/her plates and paying the full registration fee.

(15) Once an owner obtains special license plates s/he shall have first priority on those plates for each of the following years that s/he makes timely and appropriate reapplication (renewal) for those plates and pays the annual special plate fee of fifteen dollars (\$15) or thirty dollars (\$30) for a biennial registration and any personalized plate fee required by law, in addition to the regular registration fees. Applicants who renew collegiate license plates, helping schools and special organizational license plates must also submit a new emblem-use authorization statement. At the time of renewal, if the applicant elects a biennial registration, s/he must present an emblem-use statement that reflects at least twice the amount of the annual donation.]

[(16)](10) Special license plates for which the Department of Revenue has not received a reapplication (renewal) will be held for at least sixty (60) days from the date of expiration before being issued to a new applicant.

[(17)] Original applications for special license plates for motorcycles and motortricycles filed prior to January 1 of any calendar year shall be treated as applications for special license plates with an expiration month of the coming April. Original applications for special license plates for motorcycles and motortricycles filed after December 31 of any calendar year will be treated as applications for special license plates to be issued in the coming April with an expiration month of the next succeeding April.

(A) Example One: Original application filed on December 31, 1999, will result in special license plates, which expire in April of 2000.

(B) Example Two: Original application filed on January 1, 2000, will result in special license plates issued in April of 2000 with an expiration month of April 2001.

(18) Original applications for special license plates issued to members of the United States Congress, Missouri State Senate, Missouri House of Representatives, and for the following statewide elected officials: governor, lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general, in accordance with section 301.144, RSMo, filed prior to October 1 of any calendar year shall be

*treated as applications for special license plates with an expiration month of the coming January, while applications filed after the last day of September of any calendar year will be treated as application for special license plates to be issued in the coming January with an expiration month of the next succeeding January.*

*(A) Example One: Original applications filed on September 30, 2000, will result in special personalized license plates which expire in January 2001.*

*(B) Example Two: Original applications filed on October 1, 2000, will result in special license plates issued in January of 2001 with an expiration of January 2002.]*

*[(19)](11) Reapplications (renewals) for special license plates shall be filed with the Department of Revenue prior to the last day of the month in which they expire.*

*[(20)](12) The director of revenue may recall any special license plate erroneously issued under this rule.*

*AUTHORITY: sections 301.144[,] and 301.451, RSMo Supp. [1999] 2007 and section 301.449, RSMo 2000. Original rule filed Aug. 14, 1978, effective Nov. 13, 1978. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 8, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 30—State Tax Commission  
Chapter 3—Local Assessment of Property and Appeals  
From Local Boards of Equalization**

**PROPOSED AMENDMENT**

**12 CSR 30-3.010 Appeals From the Local Board of Equalization.**  
The commission is amending subsection (1)(B).

*PURPOSE: This amendment changes the date for filing appeals, making it the same for all counties.*

(1) Every owner of real property or tangible personal property shall have the right to appeal from the decision of the local board of equalization, upon compliance with the following rules:

(B) A complaint appealing a property assessment *[in counties of the first class, counties of charter government and the City of St. Louis shall be filed not later than August 15 or within thirty (30) days of the decision of the board of equalization, whichever is later. In all other counties, the complaint]* shall be filed not later than September 30 or within thirty (30) days of the decision of the board of equalization, whichever is later.

1. In any county or the City of St. Louis where the assessor fails to notify the owner of the property, or the predecessor in title or interest, of an initial assessment or an increase in assessment from the previous year, prior to the deadline for filing an appeal to the

board of equalization, the owner may appeal directly to the State Tax Commission. Appeals under this paragraph shall be filed within thirty (30) days after a county official mailed a tax statement or otherwise first communicated the assessment or the amount of taxes to the owner or on or before December 31 of the tax year in question, whichever is later. Proof of late notice shall be attached to, or set forth in, the complaint.

2. A property owner who, due to lack of notice, files an appeal directly with the State Tax Commission after tax statements are mailed shall pay his or her taxes under protest pursuant to the requirements of section 139.031.1, RSMo, and the county collector shall upon receiving either the payment under protest or the notice specified in section 140.430, RSMo, impound all portions of taxes which are in dispute. Payment of taxes without a section 139.031.1, RSMo, protest and prior to the time when the State Tax Commission's notice under section 138.430.4, RSMo, is received by the county collector, will result in disbursement of taxes and dismissal of complainant's appeal;

*AUTHORITY: section 138.430, RSMo 2000. This rule was previously filed as 12 CSR 30-2.030. Original rule filed Dec. 13, 1983, effective March 12, 1984. Amended: Filed April 21, 1988, effective Sept. 11, 1988. Rescinded and readopted: Filed May 14, 1991, effective Oct. 31, 1991. Amended: Filed Aug. 23, 1995, effective Jan. 30, 1996. Rescinded and readopted: Filed June 12, 2002, effective Nov. 30, 2002. Amended: Filed Oct. 7, 2004, effective May 30, 2005. Amended: Filed Dec. 21, 2007, effective June 30, 2008. Amended: Filed Oct. 2, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Secretary, State Tax Commission of Missouri, PO Box 146, Jefferson City, MO 65102-0146. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—[Division of Medical Services]  
MO HealthNet Division  
Chapter 70—Therapy Program**

**PROPOSED AMENDMENT**

**13 CSR 70-70.010 Therapy Program.** The division is amending the Purpose statement and sections (1)–(7).

*PURPOSE: This amendment changes the name of Missouri's medical assistance program to MO HealthNet, revises the name of the administering agency to MO HealthNet Division, changes program recipients to participants, updates the division's website address and incorporated by reference information, corrects reference to Early and Periodic Screening, Diagnostic, and Treatment program, and clarifies documentation requirements.*

*PURPOSE: This rule establishes the regulatory basis for the administration of the therapy program. This rule provides for such methods and procedures relating to the utilization of, and the payment for, care and services available through the [Medicaid] MO HealthNet program as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are*

*consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. Specific details of provider participation, criteria, and methodology for provider reimbursement, [recipient] participant eligibility, and amount, duration, and scope of services covered are included in the therapy provider program manual, which is available at the website [www.dss.mo.gov/dms] www.dss.mo.gov/mhd.*

(1) Administration. The [Missouri Medicaid] MO HealthNet therapy program shall be administered by the Department of Social Services, [Division of Medical Services] MO HealthNet Division. The therapy services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the [Division of Medical Services] MO HealthNet Division and shall be included in the therapy provider manual and bulletins, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, [Division of Medical Services] MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at [www.dss.mo.gov/dms, July 1, 2006] www.dss.mo.gov/mhd, November 15, 2008. This rule does not incorporate any subsequent amendments or additions. Therapy services shall include only those which are clearly shown to be medically necessary as determined by the treating physician. The division reserves the right to affect changes in services, limitations, and fees with notification to therapy providers by amending this rule.

(2) Persons Eligible. Medically necessary therapy services as determined by the treating physician are covered for individuals under the age of twenty-one (21). The Healthy Children and Youth (HCY) Program (also known as Early and Periodic Screening, [Diagnosis] Diagnostic, and Treatment (EPSDT)) ensures a comprehensive, preventive health care program for [Medicaid] MO HealthNet eligible children under the age of twenty-one (21) years. The Omnibus Budget Reconciliation Act of 1989 (OBRA-89) mandated that [Medicaid] MO HealthNet covered services be provided, based on medical necessity as identified in a HCY (EPSDT) screening. These services include physical, occupational, and speech/language therapy services. The [recipient] participant must be eligible on the date the service is furnished. [Recipients] Participants may have specific limitations to therapy program services according to the type of assistance for which they have been determined eligible. It is the provider's responsibility to determine the coverage benefits for a [recipient] participant based on their type of assistance as outlined in the therapy provider manual. The provider shall ascertain the patient's [Medicaid/MC+] MO HealthNet status before any service is performed. The [recipient's] participant's eligibility shall be verified in accordance with methodology outlined in the therapy provider program manual.

(3) Provider Participation.

(A) To be eligible for participation in the [Missouri Medicaid] MO HealthNet therapy program, a provider must meet the criteria specified for his or her profession as outlined in the therapy provider program manual and be an enrolled [Medicaid] MO HealthNet provider.

(B) The enrolled [Medicaid] MO HealthNet provider shall agree to:

1. Keep any records necessary to disclose the extent of services the provider furnishes to [recipients] participants; and
2. On request furnish to the [Medicaid] MO HealthNet agency or State Medicaid Fraud Control Unit any information regarding payments claimed by the provider for furnishing services under the plan.

(4) Covered Services. The [recipient] participant shall have a referral for speech therapy services from a [Medicaid] MO HealthNet

enrolled primary care provider. The [recipient] participant shall have a prescription for occupational and physical therapy services from a [Medicaid] MO HealthNet enrolled primary care provider.

(5) Reimbursement. Payment will be made in accordance with the fee per unit of service as defined and determined by the [Division of Medical Services] MO HealthNet Division. Providers must bill their usual and customary charge for therapy services. Reimbursement will not exceed the lesser of the maximum allowed amount determined by the [Division of Medical Services] MO HealthNet Division or the provider's billed charges. Physical, occupational, and speech therapy services are only payable to the enrolled, eligible, participating provider. The [Medicaid] MO HealthNet program cannot reimburse for services performed by non-enrolled persons.

(6) Documentation. For physical, occupational, and speech therapy services, the [Division of Medical Services] MO HealthNet Division requires compliance with 13 CSR 70-3.030 and that the following documentation be included in the [recipient's] participant's record:

(A) [Recipient's complete name] First name, last name, and either middle initial or date of birth of the MO HealthNet participant;

(B) Date the service was provided (month/day/year);

(C) [Actual treatment provided] An accurate, complete, and legible description of each service(s) provided for the [recipient] participant (more than "treatment given") on the specific date of service;

(D) Individual or group therapy (the provider must document the type of therapy given);

(E) The [time] actual begin and end time taken to deliver the service [was delivered] must be clearly documented in the client record (e.g., 4:00-4:15 p.m.); providers cannot bill for charting time, only the time they spend doing the therapy;

(F) The signature of the therapist who provided the service; and/;

1. Services provided by an individual under the direction or supervision of another are not reimbursed by MO HealthNet; and

2. Services provided by a person not enrolled with MO HealthNet are not reimbursed by MO HealthNet;

(G) The official Individual Education Plan (IEP) or Individual Family Services Plan (IFSP) which must be in the record when billing therapy with a WQ modifier./;

(H) The setting in which the service was rendered; and

(I) The plan of treatment, evaluation(s), test(s), findings, results, and prescription(s) as necessary.

(7) Records Retention. Sanctions may be imposed by the MO HealthNet agency against a provider for failing to make available, and disclosing to the MO HealthNet agency or its authorized agents, all records relating to services provided to MO HealthNet participants or records relating to MO HealthNet payments, whether or not the records are commingled with non-Title XIX (Medicaid) records in compliance with 13 CSR 70-3.030. These records must be retained for five (5) years from the date of service. Fiscal and medical records coincide with and fully document services billed to the [Medicaid] MO HealthNet agency. Providers must furnish or make the records available for inspection or audit by the Department of Social Services or its representative upon request. Failure to furnish, reveal, or retain adequate documentation for services billed to the [Medicaid] MO HealthNet program, as specified above, is a violation of this regulation.

*AUTHORITY: sections 208.153 and 208.201, RSMo [2000] Supp. 2007. Original rule filed Nov. 1, 2002, effective May 30, 2003. Amended: Filed June 1, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 200—Financial Examination  
Chapter 12—Missouri and Extended Missouri Mutual  
Companies**

**PROPOSED AMENDMENT**

**20 CSR 200-12.020 Extended Missouri Mutual Companies' Approved Investments.** The department is amending sections (1)–(4).

*PURPOSE: This amendment clarifies which investments, other than those specified in section 380.471, RSMo, the director permits extended Missouri mutual insurance companies to make without seeking prior approval from the director. In addition, the amendment clarifies that investments not expressly permitted by either the statute or the rule are not allowed, unless the extended Missouri mutual company obtains the prior approval of the director.*

(1) **Approved Investments.** *[The] In addition to the investments expressly permitted under section 380.471, RSMo, the following described investments shall be deemed “approved [investments] by the director” under the provisions of section 380.471, RSMo:*

*(A) Corporate bonds or bonds of any state of the United States other than Missouri or of any county or other political subdivision thereof, with the following ratings:*

- 1. [Aa3] A or higher by Moody's Investors Service; [and]*
- 2. [AA] A- [minus] or higher by Standard and Poor's Ratings Group; or*

*3. A or higher by Fitch Ratings;*

*(B) Commercial paper with the following ratings:*

- 1. P-1 by Moody's Investors Service; and*
- 2. A-1 or higher by Standard and Poor's Ratings Group; and*

*(C) Home office real estate having an asset value of no more than [fifty] twenty-five percent [(50%)/(25%)] of the surplus in excess of the guaranty fund(s) required by section 380.271.1, RSMo, but an extended Missouri mutual company may invest in home office real estate having an asset value greater than such [fifty] twenty-five percent [(50%)/(25%)] with the prior approval of the director[.];*

*(D) Shares of mutual funds, including money market mutual funds, if and to the extent that:*

*1. Such mutual fund appears on the list of approved mutual funds as most recently published by the Securities Valuation Office of the National Association of Insurance Commissioners; or*

*2. The shares of such mutual fund are insured by the Securities Investor Protection Corporation; or*

*3. The shares of such mutual fund are insured by an insurance company authorized to underwrite financial guarantee insurance in this state;*

*(E) Certificates of deposit not insured by the Federal Deposit Insurance Corporation, but only to the extent that the principal and accrued interest of such certificates and money market funds are insured by an insurance company authorized to underwrite financial guarantee insurance in this state; and*

*(F) Repurchase agreements from a United States depository secured by such depository's pledge of securities consisting of bonds qualifying under subsection (1)(A) of this rule or section 380.471, RSMo, with a fair market value of at least one hundred two percent (102%) of the value of the repurchase agreement.*

*(2) Limitations.* The approved investments described in section (1) of this rule shall be subject to the following limitations:

*(A) No more than five percent (5%) of an extended Missouri mutual's assets may be invested in the bonds or commercial paper described in subsections (1)(A) and (B) in any one (1) issuer; [and]*

*(B) No more than twenty percent (20%) of an extended Missouri mutual's assets may be invested in the aggregate in all bonds or commercial paper described in subsections (1)(A) and (B)[.];*

*(C) No more than five percent (5%) of an extended Missouri mutual's assets may be invested in any one (1) mutual fund described in subsection (1)(D); and*

*(D) No more than ten percent (10%) of an extended Missouri mutual's assets may be invested in the aggregate of all mutual funds described in subsection (1)(D).*

*(3) [For purposes of this rule, commercial paper shall mean bills of exchange, promissory notes, bank-checks and other negotiable instruments] If an extended Missouri mutual makes an investment which was deemed approved under section (1) of this rule when made but such investment subsequently no longer qualifies as an approved investment under section (1) of this rule, such investment will be considered disapproved. Notwithstanding the foregoing, such investment may be approved if the investment is specifically approved by the director as provided in section (4) of this rule.*

*(4) All extended Missouri mutual companies shall provide at least sixty (60)-days' prior notice to the director of their intent to invest other than in accordance with the provisions of sections (1) through (3) of this rule or section 380.471, RSMo, and obtain the prior approval of the director prior to so investing.*

*AUTHORITY: sections 374.045, 380.471, and 380.561, RSMo 2000. Original rule filed Oct. 24, 1991, effective March 9, 1992. Amended: Filed June 14, 2001, effective Dec. 30, 2001. Amended: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *A public hearing will be held on this proposed amendment at 10:00 a.m. on January 22, 2009. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on January 29, 2009. Written statements shall be sent to Tamara Kopp, Department of Insurance, Financial Institutions and*

*Professional Registration, PO Box 690, Jefferson City, Missouri 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 500—Property and Casualty  
Chapter 7—Title**

**PROPOSED AMENDMENT**

**20 CSR 500-7.030 General Instructions.** The division is adding a new subsection (1)(G) and renumbering subsequent subsections.

*PURPOSE: This rule is being amended to adopt a form required by proposed rule 20 CSR 500-7.080.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Filing and Report Forms. The following forms are incorporated by reference and approved for filing with the department. The forms contain no later amendments or additions and are available to the public for inspection and copying at the department's website at [www.insurance.mo.gov](http://www.insurance.mo.gov) or at the department offices at 301 West High Street, Room 530, Jefferson City, MO 65101.

**(G) The Insurer's On-site Review Report form (Form T-6A and Form T-6B), revised September 9, 2008, or any form which substantially comports with the specified form.**

**[(G)](H) The Uniform Premium (Risk Rate) Report form (Form T-7), revised January 1, 2008, or any form which substantially comports with the specified form.**

**[(H)](I) The Seller's Closing Protection Letter form (Form T-8 and Form T-8alt), revised on January 17, 2008, or any form which substantially comports with the specified form.**

**[(I)](J) The Buyer's or Lender's Closing Protection Letter form (Form T-9 and Form T-9alt), revised on January 17, 2008, or any form which substantially comports with the specified form.**

**[(J)](K) The Title Plant Registration form (Form T-12), revised on May 21, 2008, or any form which substantially comports with the specified form.**

*AUTHORITY: section 374.045, RSMo 2000 and section 381.042, RSMo Supp. 2007. Emergency rule filed Jan. 16, 2008, effective Jan. 28, 2008, expired July 14, 2008. Original rule filed Jan. 16, 2008, effective Sept. 30, 2008. Emergency amendment filed Oct. 15, 2008, effective Jan. 1, 2009, expires June 29, 2009. Amended: Filed Oct. 15, 2008.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on January 22, 2009. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on January 29, 2009. Written statements shall be sent to Tamara Kopp, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, Missouri 65102.

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 500—Property and Casualty  
Chapter 7—Title**

**PROPOSED RULE**

**20 CSR 500-7.080 Insurer's Annual On-site Review**

*PURPOSE: This regulation prescribes requirements for the minimum threshold level of review, standards of review, and the approved review report to the director for the insurer's annual on-site review of title agencies or title agents. This report to the director is a review report and is not intended to limit the actions of insurers in performing more detailed reviews.*

**(1) Annual On-site Review Required Under Certain Circumstances.**

(A) Insurers must conduct in each calendar year, after the initial contract year, an on-site review of agent/agency practices for each agent or agency that is currently appointed as a policy issuing agent. A report of such review shall be made to the director pursuant to subsection (2)(A) of this rule.

(B) The on-site review required under this rule constitutes minimum insurer review levels.

(2) Standards of Annual On-site Review. Insurer shall conduct an annual on-site review of underwriting, claims, and escrow practices of agencies where commitments and/or policies of the insurer have been issued that is reasonably designed to detect violations of Chapter 381, RSMo, compliance with the Issuing Agency Agreement and compliance with the underwriting standards and guidelines as established by the insurer. The insurer annual on-site review shall provide, at a minimum, for the following:

(A) Licensure Review. Each on-site review shall include a review of the title insurance agency license;

(B) Underwriting Practices and Claims. The title insurer shall review the agency's adherence to its established underwriting standards. The title insurer shall review the agency's procedures for notification of claims according to the terms of the Issuing Agency Contract between the title agency or agent and the insurer and the terms contained in the insurer's policies of title insurance;

(C) Insurer Remittances. Each on-site review shall verify that the funds held on behalf of the insurer are reasonably ascertainable from the books of account and records of the title agency or agent and are sufficient to satisfy the obligations of the title agency or agent to the insurer. Each on-site review shall verify that remittances are being paid to the insurer by the policy issuing agent in a timely manner in accordance with section 381.038.3, RSMo;

(D) Insurer-Agency Contract. Each on-site review shall include a

review of the title insurer and title insurance agency/title insurance agent contracts to ensure a) the contract sets forth the responsibilities of each party and, when both parties share the responsibility for a particular function, specifies the division of responsibilities, and b) the contract is up-to-date and properly executed;

(E) Annual Statement. The title insurer shall obtain from the title insurance agent, or from the title insurance agency if the title insurance agent is employed by a title insurance agency, a statement of financial condition of the title insurance agent or title insurance agency as required pursuant to section 381.023.2(2), RSMo, which includes an income statement and balance sheet or federal tax return showing the condition of the title insurance agent/agency affairs as of December 31 of the preceding year, or fiscal year. This statement of financial condition shall be certified by the title insurance agent or the title insurance agency's designated agent as being a true and correct representation of the financial condition. The title insurer shall document its receipt of the title insurance agent's or title insurance agency's statement of financial condition in the title insurer's on-site review report and shall maintain the documentation provided by the agent/agency in support of such statement for a period of at least four (4) years;

(F) Affiliated Business. The title insurer shall review the title insurance agent's affiliated business arrangements for conflicts of interest and regulatory compliance;

(G) Orders. Each on-site review shall reconcile the title agency or agent's orders with commitments, title searches and title policies of the insurer, and collection of premiums on behalf of the insurer;

(H) Commitments. Each on-site review shall include a review of:

1. The title insurance agent's procedure for tracking issued commitments of the insurer;

2. The title insurance agent's practices relating to cancellation of commitments of the insurer on transactions that do not close; and

3. The title insurance agent's procedures for follow-up after closing to track status of outstanding conditions required for timely issuance of policies of the insurer;

(I) Voiding Policies. Each on-site review shall include a review of the title insurance agent's procedure for voiding policies of the insurer according to the terms of the Issuing Agency Contract and other guidelines as may be established from time-to-time by the insurer;

(J) Escrow, Security, and Settlement File Tracking. Each on-site review shall include a review of the title insurance agent's tracking of its open escrow files, security settlement, or closing files where commitments or policies of the insurer have been issued;

(K) Policy Register. Each on-site review shall include a reconciliation of policy jackets provided to the title insurance agent by the insurer, compared to existing outstanding inventory and policies of the insurer issued by the title insurance agent;

(L) Policy Issuance. Each on-site review shall include a review of the title insurance agent's files, where commitments or policies of the insurer have been issued, to determine the average length of time between the issuance of the title policy and either all of the requirements to insure have been met or special circumstances for policy delay as contained in 20 CSR 500-7.090 have been met; and

(M) Escrow Practices and Account Reconciliation. For those agents performing escrow, security settlement, or closing services pursuant to section 381.022, RSMo, the title insurer shall review the title insurance agent's closing procedures and shall include a sample of escrow closing files where commitments or policies of the title insurer have been issued, and based upon the findings of a review of the monthly reconciliations of all of the fiduciary trust accounts, as certified by the title agent or agency to the insurer, prepared by the title agent or agency. The review shall include a determination of compliance with the following: a) use of escrow agreements; b) adherence to the "good funds" requirements; c) deposit practices; d) disbursement of funds in compliance with written instructions; and e) recording of all deeds, releases, and other documents required of the title insurance agent.

(3) Insurer's On-site Review Report (Form T-6A and T-6B).

(A) Insurers conducting an annual on-site review are required under section 381.023.4, RSMo, to report the findings to the director. This report shall be made utilizing the Insurer's On-site Review Report form (Form T-6A) and Title Insurer's On-site Review Sampling Methods (Form T-6B), or any form that substantially comports with the specified form.

(B) Review Reports T-6A and T-6B shall be submitted to the director within one hundred twenty (120) days of the completion of the review, except that findings relating to Section 14, Escrow Practices and Account Reconciliation, of Form T-6A, that do not comply with the escrow standards of the insurer, shall be submitted to the director within ten (10) days of verification of such findings.

(C) The title insurer shall complete Form T-6B for each title insurance agent on-site review report. Form T-6B shall be deemed by the department to be a trade secret as defined by section 417.453(4), RSMo, inasmuch as such data possess economic value by virtue of its confidential status, the same or like information is unavailable through other sources, and insurers have made reasonable efforts to maintain the confidentiality of the data. As such, Form T-6B shall be considered confidential communications and immune from requests made under Chapter 610, RSMo, nor shall such data otherwise be made available to the public or unauthorized individuals except in the manner and form prescribed by this rule.

*AUTHORITY: section 374.045, RSMo 2000 and sections 381.023 and 381.042, RSMo Supp. 2007. Emergency rule filed Oct. 15, 2008, effective Jan. 1, 2009, expires June 29, 2009. Original rule filed Oct. 15, 2009.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will cost underwriters approximately seventy-two thousand seven hundred fifty-five dollars (\$72,755) initially and seventy-three thousand three hundred thirty-five dollars (\$73,335) annually. This proposed rule will cost title insurance agents approximately three hundred seventeen thousand seven hundred fifty-five dollars (\$317,755) initially and seventy-six thousand two hundred fifty-five dollars (\$76,255) annually.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10:00 a.m. on January 22, 2009. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on January 29, 2009. Written statements shall be sent to Tamara Kopp, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, Missouri 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.*



FISCAL NOTE  
PRIVATE COST

## I. RULE NUMBER

Rule Number and Name:	<b>20 CSR 500-7.080</b>
Type of Rulemaking	<b>Insurer's Annual Onsite Review</b>

## II. SUMMARY OF FISCAL IMPACT

<b>Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:</b>	<b>Classifications by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
56	Title Underwriters	Initial: \$72,755 Ongoing: \$73,335
483	Title Agents (Small Businesses)	Initial: \$317,755 Ongoing: \$76,255
		Totals Initial: \$390,090 Ongoing: \$148,590

## III. ASSUMPTIONS

The department relied upon cost estimates provided by Mr. Buzz Shepard, Vice President and Mid Central Agency Manager, Chicago Title Insurance Company, and Mr. Brent Scheer, CFO, Farmers National Title. The department interpreted and supplemented this information in order to determine statewide estimates. Title agents' costs are also based on estimates provided by Mr. Shepard, who is very familiar with agency audits. While the information provided by Mr. Scheer was reviewed and considered, Farmer's Title is a new company and it is difficult to separate costs due to the rule from costs associated with new business startup.

The estimates set forth in this memo are forecasts of future costs. These estimates depend upon such factors the title insurance company and agency staffing and cost structure, and the amount and cost of additional resources needed for compliance. Costs could vary a great deal from entity to entity.



## IV. WORKSHEET

Exhibit 1 shows the calculation of compliance cost estimates for title insurers. Title insurers' costs are based on estimates provided by Chicago Title Insurance Company. Chicago's cost of agency auditing is estimated for a typical Missouri agency before the rule, additional costs due to the rule and costs after the rule. Chicago's audit cost per agency is estimated based on the approximate number of hours of work times the average cost per hour (including travel costs). Chicago's statewide cost is estimated by multiplying the average cost per agent times the number of agencies having contracts with Chicago. Chicago's estimated costs are assumed to be representative of statewide title insurer compliance costs. A title insurer's auditing cost is also assumed to be proportional to the premium written through title insurance agents. Finally, Missouri title insurers auditing costs are estimated by multiplying Chicago's audit cost as a percent of premium by statewide premium.

### Exhibit 1 Estimated Ongoing Cost For Title Insurers

	<u>Before Rule</u>	<u>Due to Rule</u>	<u>After Rule</u>
1. Hours of preparation	4		
2. Hours on-site	2		
3. Hours post-review	2		
4. Total hours per agency (1)+(2)+(3)	8	4	12
5. Cost per hour (including travel)	115	83	104
6. Cost per agency (4)*(5)	920	330	1,250
7. Number of agencies	56	56	56
8. Chicago cost (6)*(7)	51,520	18,480	70,000
9. Chicago agency premium	16,483,600	16,483,600	16,483,600
10. Percent of agency premium (8)/(9)	0.313%	0.112%	0.425%
11. Statewide agency premium	64,520,312	64,520,312	64,520,312
12. Estimates statewide cost (10)*(11)	201,660	72,335	273,995

Source: Items (1) to (8) from a letter from Buzz Shepard dated 9/30/2008  
Items (9) and (11) from NAIC

Exhibit 2 shows the estimated compliance costs for Missouri small businesses (Independent title insurance agencies). Additional audit cost per agency is estimated based on the approximate number of hours of work times the average cost per hour. The average personnel cost per hour is based on information from the Bureau of Labor Statistics and is adjusted to reflect a higher average salary and/or overtime (at the 75<sup>th</sup> percentile), payroll taxes, and benefits. The statewide annual cost is estimated by multiplying the average personnel cost per agent times the number of agencies. Computer software costs are an additional initial implementation cost. One in ten agents is assumed to purchase or upgrade software at a cost of \$5,000 per agency. The statewide initial cost is the statewide annual personnel cost plus 10% times \$5,000 times the number of agencies.

**Exhibit 2**  
**Estimated Cost of Rule to Agencies (Small Businesses)**

1. Total hours per agency	5
2. Average wages per hour	17.41
3. Wages at 75th percentile	121%
4. Benefits (percent of wages)	39%
5. Payroll taxes	7.65%
6. Total Compensation (2)*(3)*[1+(4)]*(1+(5))	31.58
7. Personnel cost per agency (1)*(6)	158
8. Software	500
9. Number of agencies	483
10. Initial Cost Estimate [(7)+(8)]*(9)	317,755
11. Ongoing Cost Estimate (7)*(9)	76,255

**Notes:**

1. From Mr. Shepard.
2. From BLS 2006 Quarterly Census of Employment and Wages Missouri NAICS 541191 (abstracting) & 524127 (direct)
3. From BLS Occupational Employment and Wages, May 2007 13-2099 Financial Specialists, All Other
4. From BLS Employer Costs for Employee Compensation US 2006 Professional and technical services
8. Assumes one in ten agencies will purchase software at \$5,000 each.
9. From BLS 2006 Quarterly Census of Employment and Wages Missouri NAICS 541191 & 524127

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 1—OFFICE OF ADMINISTRATION  
Division 10—Commissioner of Administration  
Chapter 4—Vendor Payroll Deduction Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the Office of Administration under sections 33.103, 536.010, and 536.023, RSMo Supp. 2007 and section 370.395, RSMo 2000, the commissioner amends a rule as follows:

**1 CSR 10-4.010 State of Missouri Vendor Payroll Deductions  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1548). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION  
Division 10—Commissioner of Administration  
Chapter 15—Cafeteria Plan**

**ORDER OF RULEMAKING**

By the authority vested in the Office of Administration under section 33.103, RSMo Supp. 2007, the commissioner amends a rule as follows:

**1 CSR 10-15.010 Cafeteria Plan is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1548-1555). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 1—Organization and Description**

**ORDER OF RULEMAKING**

By the authority vested in the Administrative Hearing Commission under sections 536.023.3 and 621.198, RSMo Supp. 2007, the commission amends a rule as follows:

**1 CSR 15-1.201 Organization is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1391). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective on **January 1, 2009**.

SUMMARY OF COMMENTS: The public comment period ended on September 2, 2008. The Administrative Hearing Commission received no written comments. A public hearing on this proposed amendment was held on September 3, 2008. At the public hearing, the Administrative Hearing Commission received no comments.

**Title 1—OFFICE OF ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 1—Organization and Description**

**ORDER OF RULEMAKING**

By the authority vested in the Administrative Hearing Commission under sections 536.023.3 and 621.198, RSMo Supp. 2007, the commission amends a rule as follows:

**1 CSR 15-1.207 Information, Submissions or Requests  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1391-1392). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective on **January 1, 2009**.

SUMMARY OF COMMENTS: The public comment period ended on September 2, 2008. The Administrative Hearing Commission received no written comments. A public hearing on this proposed amendment was held on September 3, 2008. At the public hearing, the Administrative Hearing Commission received no comments.

**Title 1—OFFICE OF ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 3—Procedure For All Contested  
Cases Under Statutory Jurisdiction**

**ORDER OF RULEMAKING**

By the authority vested in the Administrative Hearing Commission under section 621.035, RSMo 2000 and section 621.198, RSMo Supp. 2007, the commission amends a rule as follows:

**1 CSR 15-3.320 Stay of Action under Review is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1392). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective on **January 1, 2009**.

SUMMARY OF COMMENTS: The public comment period ended on September 2, 2008. The Administrative Hearing Commission received no written comments. A public hearing on this proposed amendment was held on September 3, 2008. At the public hearing, the Administrative Hearing Commission received no comments.

**Title 1—OFFICE OF ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 3—Procedure for All Contested  
Cases Under Statutory Jurisdiction**

**ORDER OF RULEMAKING**

By the authority vested in the Administrative Hearing Commission under section 621.035, RSMo 2000 and sections 621.053 and 621.198, RSMo Supp. 2007, the commission amends a rule as follows:

**1 CSR 15-3.350 Complaints is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1392-1393). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective on **January 1, 2009**.

SUMMARY OF COMMENTS: The public comment period ended on September 2, 2008. The Administrative Hearing Commission received no written comments. A public hearing on this proposed amendment was held on September 3, 2008. At the public hearing, the Administrative Hearing Commission received no comments.

**Title 1—OFFICE OF ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 3—Procedure For All Contested  
Cases Under Statutory Jurisdiction**

**ORDER OF RULEMAKING**

By the authority vested in the Administrative Hearing Commission under section 621.035, RSMo 2000 and section 621.198, RSMo Supp. 2007, the commission amends a rule as follows:

**1 CSR 15-3.380 Answers and Other Responsive Pleadings  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1394). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective on **January 1, 2009**.

SUMMARY OF COMMENTS: The public comment period ended on September 2, 2008. The Administrative Hearing Commission received no written comments. A public hearing on this proposed amendment was held on September 3, 2008. At the public hearing, the Administrative Hearing Commission received no comments.

**Title 1—OFFICE OF ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 3—Procedure For All Contested  
Cases Under Statutory Jurisdiction**

**ORDER OF RULEMAKING**

By the authority vested in the Administrative Hearing Commission under section 621.035, RSMo 2000 and section 621.198, RSMo Supp. 2007, the commission amends a rule as follows:

**1 CSR 15-3.390 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1394). The section with changes is reprinted here. This proposed amendment becomes effective on **January 1, 2009**.

SUMMARY OF COMMENTS: The Administrative Hearing Commission received one written comment from Paul R. Otto, Legal Counsel to the Administrative Hearing Commission and one written comment from Daniel Jordan, Legal Counsel to the Administrative Hearing Commission. A public hearing on this proposed amendment was held on September 3, 2008. At the public hearing, the Administrative Hearing Commission received no comments.

COMMENT #1: Paul R. Otto, Legal Counsel to the Administrative Hearing Commission, commented that the usual deadline for filing a responsive pleading may already have passed when an intervenor-petitioner's complaint is filed.

RESPONSE AND EXPLANATION OF CHANGE: Section (3) will be changed to start the time for filing a responsive pleading to an intervenor-petitioner's complaint with the filing of intervenor-petitioner's complaint.

COMMENT #2: Daniel Jordan, Legal Counsel to the Administrative Hearing Commission, commented that the usual deadline for filing a responsive pleading begins with service or publication of a notice of complaint, which does not exist on intervention.

RESPONSE AND EXPLANATION OF CHANGE: Section (3) will be changed to set the deadline for filing a responsive pleading to an intervenor-petitioner's complaint. The deadline will be thirty (30) days after such complaint's filing date. That date will be known to all respondents and other parties because it will be in the order granting intervention.

**1 CSR 15-3.390 Intervention**

(3) The commission's order, ruling on the motion to intervene, shall set the date on which intervenor's pleading is filed. When the commission grants a motion to intervene as petitioner, a responsive pleading to the intervenor-petitioner's complaint shall be due thirty (30) days after the date on which such intervenor-petitioner's complaint is filed, as set by the commission's order. A responsive pleading to the

intervenor-petitioner's complaint shall be otherwise governed by rule 1 CSR 15-3.380.

**Title 1—OFFICE OF ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 3—Procedure for All Contested  
Cases Under Statutory Jurisdiction**

**ORDER OF RULEMAKING**

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 621.035, RSMo 2000 and section 621.198, RSMo Supp. 2007, the commission adopts a rule as follows:

**1 CSR 15-3.431** Voluntary Dismissal, Settlement and Consent Orders is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1394-1395). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective on **January 1, 2009**.

SUMMARY OF COMMENTS: The public comment period ended on September 2, 2008. The Administrative Hearing Commission received no written comments. A public hearing on this proposed rule was held on September 3, 2008. At the public hearing, the Administrative Hearing Commission received no comments.

**Title 1—OFFICE OF ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 3—Procedure for All Contested  
Cases Under Statutory Jurisdiction**

**ORDER OF RULEMAKING**

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 621.035, RSMo 2000 and section 621.198, RSMo Supp. 2007, the commission adopts a rule as follows:

**1 CSR 15-3.436** Involuntary Dismissal is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1395). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective on **January 1, 2009**.

SUMMARY OF COMMENTS: The public comment period ended on September 2, 2008. The Administrative Hearing Commission received no written comments. A public hearing on this proposed rule was held on September 3, 2008. At the public hearing, the Administrative Hearing Commission received no comments.

**Title 1—OFFICE OF ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 3—Procedure for All Contested  
Cases Under Statutory Jurisdiction**

**ORDER OF RULEMAKING**

By the authority vested in the Administrative Hearing Commission under section 536.073, RSMo 2000 and section 621.198, RSMo Supp. 2007, the commission rescinds a rule as follows:

**1 CSR 15-3.440** Disposing of a Case Without a Hearing on the Complaint is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1395-1396). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective on **January 1, 2009**.

SUMMARY OF COMMENTS: The public comment period ended on September 2, 2008. The Administrative Hearing Commission received no written comments. A public hearing on this proposed rescission was held on September 3, 2008. At the public hearing, the Administrative Hearing Commission received no comments.

**Title 1—OFFICE OF ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 3—Procedure for All Contested  
Cases Under Statutory Jurisdiction**

**ORDER OF RULEMAKING**

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 621.035, RSMo 2000 and section 621.198, RSMo Supp. 2007, the commission adopts a rule as follows:

**1 CSR 15-3.446** Decision on the Complaint without a Hearing is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1396). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective on **January 1, 2009**.

SUMMARY OF COMMENTS: The public comment period ended on September 2, 2008. The Administrative Hearing Commission received no written comments. A public hearing on this proposed rule was held on September 3, 2008. At the public hearing, the Administrative Hearing Commission received no comments.

**Title 1—OFFICE OF ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 3—Procedure For All Contested  
Cases Under Statutory Jurisdiction**

**ORDER OF RULEMAKING**

By the authority vested in the Administrative Hearing Commission under sections 536.073.3 and 621.035, RSMo 2000 and section 621.198, RSMo Supp. 2007, the commission amends a rule as follows:

**1 CSR 15-3.490** Hearings on Complaints; Default is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1396-1397). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective on **January 1, 2009**.

SUMMARY OF COMMENTS: The public comment period ended on September 2, 2008. The Administrative Hearing Commission received no written comments. A public hearing on this proposed amendment was held on September 3, 2008. At the public hearing, the Administrative Hearing Commission received no comments.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 1—Organization and Description**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Agriculture under section 267.122, RSMo 2000, the director amends a rule as follows:

**2 CSR 30-1.020 Laboratory Services and Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1221-1230). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 10—Food Safety and Meat Inspection**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Agriculture under section 265.020, RSMo 2000, the director amends a rule as follows:

**2 CSR 30-10.010 Inspection of Meat and Poultry is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1397). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 1—Administration**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.020, 590.030, 590.040, 590.050, 590.060, 590.120, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-1.010 General Organization is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1415). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 2—Definitions**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under section 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-2.010 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1415). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 13—Peace Officer Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.020, 590.030, 590.040, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-13.010 Classification of Peace Officer Licenses  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1415-1416). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 13—Peace Officer Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.020, 590.030, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-13.020 Procedure to Obtain New Peace Officer  
License is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1416). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 13—Peace Officer Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.020, 590.030, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-13.030 Procedure to Upgrade Peace Officer License  
Classification is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1416–1417). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 13—Peace Officer Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.030 and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-13.040 Relicensing of Expired Peace Officer Licenses  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1417). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 13—Peace Officer Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.030 and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-13.050 Missouri Peace Officer License Exam  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1417). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 13—Peace Officer Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.030 and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-13.060 Veteran Peace Officer Point Scale is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1417–1418). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 13—Peace Officer Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.040 and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-13.070 Recognition of Federal, Military, and  
Out-of-State Basic Training is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1418). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 13—Peace Officer Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.020 and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-13.080 Adjustment of Peace Officer License  
Classification is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1418). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 13—Peace Officer Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.080, 590.090, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-13.090 Cause to Discipline Peace Officer Licensee  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1418-1419). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 13—Peace Officer Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.070 and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-13.100 Notification of Change in Commission Status  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1419). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 14—Basic Training Centers**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.060 and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-14.010 Procedure to Obtain a Basic Training Center  
License is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1419). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 14—Basic Training Centers**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.060 and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-14.020 Minimum Requirements for Basic Training  
Centers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1419). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 14—Basic Training Centers**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.030, 590.040, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-14.030 Standard Basic Training Curricula and  
Objectives is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1419-1420). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 14—Basic Training Centers**

**ORDER OF RULEMAKING**



By the authority vested in the director of the Department of Public Safety under sections 590.060 and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-14.040** Certification of Basic Training Courses  
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1420). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 75—Peace Officer Standards and Training**  
**Program**  
**Chapter 14—Basic Training Centers**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.030, 590.040, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-14.050** Minimum Standards for a Certified Basic  
Training Course is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1420-1421). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 75—Peace Officer Standards and Training**  
**Program**  
**Chapter 14—Basic Training Centers**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.060 and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-14.060** Eligibility for Entrance into a Basic Training  
Course is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1421). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 75—Peace Officer Standards and Training**  
**Program**  
**Chapter 14—Basic Training Centers**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.060 and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-14.070** Basic Training Instructor Licenses is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1421). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 75—Peace Officer Standards and Training**  
**Program**  
**Chapter 14—Basic Training Centers**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.060 and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-14.080** Minimum Requirements for a Basic Training  
Instructor is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1421-1422). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 75—Peace Officer Standards and Training**  
**Program**  
**Chapter 15—Continuing Education**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.030.5(1), 590.050, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-15.010** Continuing Education Requirement  
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1422). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program**

**Chapter 15—Continuing Education**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.030.5(1), 590.050, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-15.020** Minimum Standards for Continuing Education Training **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1422). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program**

**Chapter 15—Continuing Education**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.030.5(1), 590.050, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-15.030** Procedure to Obtain a Continuing Education Provider License **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1422-1423). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program**

**Chapter 15—Continuing Education**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.030.5(1), 590.050, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-15.040** Procedure to Obtain Approval for an Individual CLEE Course **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1423). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program**

**Chapter 15—Continuing Education**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.030.5(1), 590.050, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-15.050** Out-of-State, Federal, and Organizations Continuing Education **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1423). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program**

**Chapter 15—Continuing Education**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.030.5(1), 590.050, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-15.060** In-Service Continuing Education Training **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1423). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program**

**Chapter 15—Continuing Education**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.030.5(1), 590.050, and 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-15.070** Computer-Based Continuing Education Training **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1424). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 16—Peace Officer Standards and Training  
Commission Fund**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under section 590.178, RSMo 2000 and section 590.190, RSMo Supp. 2007, the director amends a rule as follows:

**11 CSR 75-16.010 Peace Officer Standards and Training  
Commission Fund is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1424). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 26—Dealer Licensure**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 301.560–301.573, RSMo 2000 and Supp. 2007, the director adopts a rule as follows:

**12 CSR 10-26.210 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1157–1158). Changes have been made, and those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) letter of support, with suggestions submitted on behalf of the Missouri Independent Automobile Dealers Association, Inc.

COMMENT #1: The commenter suggests, in section (2), adding the phrase “including consumer protection laws” after the word “education” in the first sentence. This would allow consistency with the legislative intent of the enabling statute.

RESPONSE AND EXPLANATION OF CHANGE: After review, the department agrees, and the first sentence in section (2) has been changed accordingly.

COMMENT #2: The commenter suggests, in section (5), the term “classroom setting” may not provide sufficient direction and could be

open to interpretation. The commenter proposes “classroom setting” requirements be added to clarify the intent of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department is in partial agreement and has amended the section. The department disagrees with the additional requirements proposed, and no further changes will be made.

COMMENT #3: The commenter suggests in subsection (4)(A) the department change “two (2) years experience in the motor vehicle dealer industry” to “three (3) years experience in training motor vehicle dealers in state and federal statutes applicable to the motor vehicle business including consumer protection laws and all subjects listed in section (5)” to prevent almost any employee of a dealer to qualify as an instructor.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to add the reference to section (5) but feels that requiring three (3) years’ experience is too stringent and would exclude a large group of people from instructing dealer seminars. No other changes will be made.

COMMENT #4: The commenter suggests eliminating subsection (4)(B) or restricting the section to actual co-trainers who possess “three (3) years of experience in training motor vehicle dealers in state and federal statutes applicable to the motor vehicle business including consumer protection laws and all other subjects listed in section (5) above as co-trainer under the direct, personal supervision of a certified instructor” to eliminate qualification of individuals (i.e., dealer receptionists or clerical aides) with little actual knowledge of regulatory matters.

RESPONSE AND EXPLANATION OF CHANGE: The department has eliminated subsection (4)(B).

COMMENT #5: The commenter suggests that only one (1) year experience as an investigator is insufficient and proposes subsection (4)(D) be changed to also require “at least one (1) year of experience in training motor vehicle dealers.”

RESPONSE: The department disagrees with the comment, so no change will be made to what is now subsection (6)(C).

COMMENT #6: The commenter suggests that certain professionals, by virtue of their education, would qualify as instructors and proposes section (4) be changed to add “Attorneys licensed in the State of Missouri, Certified Public Accountants, and persons holding a Masters in Business Administration from an accredited college or university” as qualified instructors.

RESPONSE: The department disagrees with these comments, so no changes have been made to what is now section (6).

COMMENT #7: The commenter suggests adding a provision for denial of certification, renewal, revocation, or an appeal of the director’s action.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees, in part, and sections (8) and (9) have been added.

COMMENT #8: Upon making the suggested comments noted above, the department felt it necessary to reorganize parts of the rule for ease of reference and clarification.

RESPONSE AND EXPLANATION OF CHANGE: Section (2) was split out into what is now sections (2) and (4) for improved formatting/reference regarding seminar provider requirements; a new section (3) was added to clarify the provisions in section (6) of the original rule; what was section (3) is now section (5) because of the changes noted above; section (5) was renumbered to what is now section (7) and revised to clarify that the department licenses seminar providers, rather than seminar instructors; section (6) was renumbered and paraphrased to what is now section (10); and section (7) was renumbered to what is now section (11).

**12 CSR 10-26.210 Dealer Seminar Certification Requirements**

*PURPOSE: Section 301.560, RSMo, requires applicants who apply for a used motor vehicle dealer license to complete a department-approved educational seminar course before their applications for license are approved. This rule clarifies what constitutes an "approved educational seminar" for licensing purposes and the requirements for seminar providers.*

(2) A seminar provider must be a recognized business or school with a lawful presence in the state of Missouri and with demonstrable experience in providing professional education, including consumer protection laws, to used motor vehicle dealers. Tangible evidence must be provided that these requirements are met. The provider must submit Form 5110, Application for Dealer Educational Seminar Certification, to be certified by the department. The Application for Dealer Education Seminar Certification, revised March 2008, incorporated by reference, is published by and can be obtained from the Missouri Department of Revenue, PO Box 43, Jefferson City, MO 65105-0043; or on the Department of Revenue's website at <http://www.dor.mo.gov/mvdl/motorv/forms/5110.pdf>. The Application for Dealer Education Seminar Certification does not include any amendments or additions to the March 2008 edition.

(3) The Dealer Educational Seminar Certificate issued by the department is valid for one (1) year as noted on the certificate.

(4) A seminar provider must have—

(A) A minimum of two (2) instructors meeting departmental requirements with the knowledge and capability to conduct the required seminar curriculum. A list of certified instructors must be provided to the director;

(B) Staff capable of providing information about the seminars and registering prospective attendees;

(C) An available telephone number, fax line, and Internet access available during normal working hours (Monday through Friday) to enable potential attendees to inquire about and register for seminars;

(D) A minimum of one (1) scheduled seminar per month, which must be posted on the provider's website at least thirty (30) days in advance. The seminar schedule and locations must be publicized by the provider with registration information and necessary forms obtainable through the provider's website.

1. If a scheduled seminar has no registered attendees and the provider opts to cancel, notification must be posted clearly on the provider's website at least forty-eight (48) hours prior to the seminar's scheduled start time.

2. If advanced cancellation notice is not posted as indicated above, a certified instructor must be at the seminar's scheduled location at the scheduled time;

(E) Capability to issue each attendee a certificate of completion at the end of each seminar; and

(F) An accurate and current electronic database of seminar attendees, maintained by the provider for a minimum of one (1) year. The provider must confirm all seminar attendees' identity through display of a non-expired federal or state-issued photo identification card, with the capability to electronically transmit attendee information to the department as required. These records must be available on demand and are subject to audit by the director without prior notice.

(5) Dealer educational seminar curriculum must be presented in a room in a non-residential building that is dedicated solely to the seminar for the duration of the seminar and compliant with the Americans with Disabilities Act of 1990, 42 U.S.C. section 12101 et seq., as amended. The curriculum must include a minimum of six (6) hours of instruction and provide detailed training regarding compliance with—

(A) Sections 301.550 to 301.573, RSMo, and all rules promulgated by the department to implement, enforce, and administer these statutes;

(B) Federal Trade Commission's Used Car Rule;

(C) Federal Privacy Protection requirements under the Gramm-Leach-Bliley Act;

(D) Truth-in-Lending requirements;

(E) Equal Credit Opportunity Act;

(F) The United States of America Patriot Act;

(G) Federal and state laws and regulations regarding deceptive and unfair trade practices;

(H) Uniform Commercial Code regulations;

(I) U. S. Treasury Department rules and cash reporting requirements; and

(J) Any other federal or state laws regulating the business of selling and financing motor vehicles.

(6) A seminar provider must certify to the director and, upon request, provide evidence to establish that its instructors have, at a minimum, the experience outlined in one (1) of the following minimum qualification requirements—

(A) Two (2) years of experience in the motor vehicle dealer industry with expertise in the areas specified in section (5) of this rule;

(B) One (1) year in an appropriate position with a professional organization associated with the automobile dealer business (e.g., Missouri Automobile Dealers Association, Inc. instructor or Missouri Independent Automobile Dealers Association policy writer); or

(C) One (1) year of experience as an investigator dealing with state and federal motor vehicle dealer compliance laws.

(7) Seminar providers must ensure that their seminar instructors—

(A) Utilize training materials when conducting the seminar;

(B) Incorporate course curriculum into reference/resource manuals to be distributed to attendees and provide periodic updates to ensure current and accurate information applicable to dealer's operations;

(C) Provide instruction using computerized slide presentations and provide worksheets/handouts to each attendee, including compliant sample forms required by state and federal law; and

(D) Make available to the director, upon request, copies of all training materials (manuals, handouts, presentations, etc.) for review.

(8) The director may revoke or refuse to issue or renew a certification of a provider for conducting a seminar not in compliance with this rule, for failing to hold a scheduled seminar, or for any one (1) or any combination of the following causes—

(A) The applicant or seminar provider or its seminar instructor was previously the holder of a license issued under sections 301.550 to 301.573, RSMo, which license was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled;

(B) The applicant or seminar provider or its seminar instructor was previously a partner, stockholder, director, or officer controlling or managing a partnership or corporation whose license issued under sections 301.550 to 301.573, RSMo, was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled;

(C) The applicant or seminar provider or its seminar instructor has, within ten (10) years prior to the date of the application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a prosecution under the laws of any state or of the United States for any offense reasonably related to the qualifications, functions, or duties of any business licensed under sections 301.550 to 301.573, RSMo; for any offense, an essential element of which is fraud, dishonesty, or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(D) Use of fraud, deception, misrepresentation, or bribery by the applicant or seminar provider or its seminar instructor in securing any certificate issued pursuant to section 301.560.9, RSMo;

(E) The applicant's or seminar provider's or its seminar instructor's obtaining or attempting to obtain any money, commission, fee, barter, exchange, or other compensation by fraud, deception, or misrepresentation;

(F) The applicant's or seminar provider's or its seminar instructor's violation of, or assisting or enabling any person to violate any provisions of Chapters 301, 306, 307, 407, 578, and 643, RSMo, or of any lawful rule or regulation adopted pursuant to Chapters 301, 306, 307, 407, 578, and 643, RSMo;

(G) The applicant or seminar provider or its seminar instructor has filed an application for certification which, as of its effective date, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(H) The applicant or seminar provider or its seminar instructor has failed to pay the proper application or license fee or other fees required pursuant to Chapters 301 or 306, RSMo, or fails to establish or maintain a bona fide place of business as required by law;

(I) The applicant or seminar provider or its seminar instructor is finally adjudged insane or incompetent by a court of competent jurisdiction;

(J) The applicant's or seminar provider's or its seminar instructor's use of any advertisement or solicitation which is false; or

(K) The applicant's or seminar provider's or its seminar instructor's violations of sections 407.511 to 407.556, RSMo, or section 578.120, RSMo, which resulted in a conviction or finding of guilt or violation of any federal motor vehicle laws which result in a conviction or finding of guilt.

(9) The decision to revoke or refuse to issue or renew a certification of a provider is the final decision of the director.

(10) Seminar providers must apply to the department for recertification by September 1 of each year.

(11) Failure to hold scheduled or rescheduled seminars or maintain acceptable standards of training or providing false information to the director will result in the provider's certification becoming invalid upon notice by the director.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 26—Dealer Licensure**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 301.553.4, RSMo 2000, the director adopts a rule as follows:

**12 CSR 10-26.220 Dealer Disciplinary Hearings is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1424-1425). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 20—St. Louis Board of Police Commissioners  
Chapter 2—Private Security Officers**

**ORDER OF RULEMAKING**

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

**17 CSR 20-2.025 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1158). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 20—St. Louis Board of Police Commissioners  
Chapter 2—Private Security Officers**

**ORDER OF RULEMAKING**

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

**17 CSR 20-2.035 Licensing is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1158-1159). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 20—St. Louis Board of Police Commissioners  
Chapter 2—Private Security Officers**

**ORDER OF RULEMAKING**

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

**17 CSR 20-2.065 Authority is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1159-1160). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 20—St. Louis Board of Police Commissioners  
Chapter 2—Private Security Officers**

**ORDER OF RULEMAKING**

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

**17 CSR 20-2.075 Duties is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1160). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 20—St. Louis Board of Police Commissioners  
Chapter 2—Private Security Officers****ORDER OF RULEMAKING**

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

**17 CSR 20-2.085 Uniforms is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1160–1161). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 20—St. Louis Board of Police Commissioners  
Chapter 2—Private Security Officers****ORDER OF RULEMAKING**

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

**17 CSR 20-2.105 Weapons is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1161–1162). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 20—St. Louis Board of Police Commissioners  
Chapter 2—Private Security Officers****ORDER OF RULEMAKING**

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

**17 CSR 20-2.125 Complaint/Disciplinary Procedures is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1162). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 20—St. Louis Board of Police Commissioners  
Chapter 2—Private Security Officers****ORDER OF RULEMAKING**

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

**17 CSR 20-2.135 Drug Testing is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1162–1163). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2015—Acupuncturist Advisory Committee  
Chapter 1—General Rules****ORDER OF RULEMAKING**

By the authority vested in the Acupuncturist Advisory Committee under sections 324.481 and 324.487, RSMo 2000, the board amends a rule as follows:

**20 CSR 2015-1.020 Acupuncturist Credentials, Name and  
Address Changes is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1458). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2015—Acupuncturist Advisory Committee  
Chapter 2—Acupuncturist Licensure Requirements****ORDER OF RULEMAKING**

By the authority vested in the Acupuncturist Advisory Committee under sections 324.481 and 324.487, RSMo 2000, the board amends a rule as follows:

**20 CSR 2015-2.010 Application for Licensure is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1458). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2015—Acupuncturist Advisory Committee  
Chapter 2—Acupuncturist Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Acupuncturist Advisory Committee under sections 324.481, 324.490, 324.493, and 324.496, RSMo 2000, the board amends a rule as follows:

**20 CSR 2015-2.020 License Renewal, Restoration and Continuing Education is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1458–1459). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2015—Acupuncturist Advisory Committee  
Chapter 4—Supervision of Auricular Detox Technicians  
and Acupuncturist Trainees**

**ORDER OF RULEMAKING**

By the authority vested in the Acupuncturist Advisory Committee under sections 324.475, 324.481, and 324.484, RSMo 2000, the board amends a rule as follows:

**20 CSR 2015-4.010 Supervision of Auricular Detox Technicians is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1459). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 7—Licensing of Physician Assistants**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Registration for the Healing Arts under section 334.125, RSMo 2000 and section 334.735, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2150-7.137 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1167–1168). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment on the proposed amendment.

COMMENT: Bonnie Bowles of the Missouri Association of Osteopathic Physicians and Surgeons requested that the percentage of time the physicians should be in a clinic seeing patients with a physician assistant be no less than twenty-five percent (25%) of the time. RESPONSE AND EXPLANATION OF CHANGE: The board appreciates Ms. Bowles' recommendation. The existing language in section (7) has been rearranged to clarify that it is still at the commission's and board's discretion to approve a request for renewal and that the minimum amount of time may be no less than ten percent (10%).

**20 CSR 2150-7.137 Waiver Renewal**

(7) The physician must be on-site a minimum of once every two (2) weeks. If the advisory commission and the board approve a request for renewal, the advisory commission and board may establish an alternate minimum amount of time the supervising physician must be on-site while the physician assistant is practicing. The alternate minimum amount of time may be no less than ten percent (10%) of the time that the physician assistant is practicing each calendar quarter. The advisory commission and board may also establish an alternate maximum distance between the supervising physician and physician assistant. The alternate maximum distance may not exceed fifty (50) miles.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2165—Board of Examiners for Hearing  
Instrument Specialists  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under section 346.115.1(7), RSMo 2000, the board amends a rule as follows:

**20 CSR 2165-1.030 Custodian of Public Records is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1464). No changes have been made to the text of

the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2165—Board of Examiners for Hearing  
Instrument Specialists  
Chapter 2—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under sections 346.070, 346.075, 346.080, and 346.115.1(7), RSMo 2000, the board amends a rule as follows:

**20 CSR 2165-2.010 Hearing Instrument Specialist in Training  
(Temporary Permits) is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1464). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2165—Board of Examiners for Hearing  
Instrument Specialists  
Chapter 2—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under sections 346.075.2 and 346.115.1(7), RSMo 2000, the board amends a rule as follows:

**20 CSR 2165-2.020 Supervisors is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1464–1465). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2165—Board of Examiners for Hearing  
Instrument Specialists  
Chapter 2—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under section 346.115.1(7), RSMo 2000, the board amends a rule as follows:

**20 CSR 2165-2.050 Continuing Education Requirements  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1465). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2165—Board of Examiners for Hearing  
Instrument Specialists  
Chapter 3—Code of Ethics**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under section 346.115.1(7), RSMo 2000, the board amends a rule as follows:

**20 CSR 2165-3.010 General Obligations of the Licensee  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1466). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2197—Board of Therapeutic Massage  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245, 324.257, and 324.265, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2197-1.010 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1466–1467). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.



**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2197—Board of Therapeutic Massage  
Chapter 5—Massage Therapy Business Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245, 324.257, and 324.262, RSMo Supp. 2007 and sections 324.250, 324.255, and 324.260, RSMo 2000, the board amends a rule as follows:

**20 CSR 2197-5.040 Massage Therapy Business License Renewal  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1467). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 4—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under sections 335.036, RSMo Supp. 2007 and section 335.046, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-4.010 Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1467–1470). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 4—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under sections 335.046 and 335.051, RSMo 2000 and sections 335.036(2) and (7), RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2200-4.020 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1471–1474). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board did not receive any written comments; however, in reviewing the proposed amendment, the board noted three (3) references that needed to be changed.

COMMENT: The board noted three (3) incorrect references in subsections (11)(D), (11)(E), and (10)(E) due to the renumbering of the sections in the original proposed amendment.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (11)(D) will be updated to reference (11)(C), subsection (11)(E) will be updated to reference subsections (11)(B)–(D), and subsection (10)(E) will be updated to reference subsection (10)(B) to be in accordance with the original proposed amendment.

**20 CSR 2200-4.020 Requirements for Licensure**

(10) Inactive Licenses.

(E) A nurse whose license is inactive for three (3) years or more shall file the petition, documents, and fees required in subsection (10)(B). In addition, the nurse may be required to appear before the board personally and demonstrate evidence of current nursing knowledge and may be required to successfully complete an oral or written examination, or both, provided by the board or to present proof of regular licensed nursing practice in other states during that time period.

(11) Lapsed Licenses, When—Procedures for Reinstatement.

(D) A nurse whose license is lapsed for three (3) years or more shall file the same petition, documents, and fees required in subsection (11)(C). In addition, the nurse may be required to appear before the board personally and demonstrate evidence of current nursing knowledge and may be required to successfully complete an examination provided by the board or by proof of regular licensed nursing practice in other states during that time period.

(E) Upon satisfactory completion of the requirements specified in subsections (11)(B)–(D) which are pertinent to that nurse, the board reserves the right to refuse to reinstate the lapsed license of any nurse, including one who is subject to disciplinary action under any provisions of Chapter 335, RSMo, which includes disciplinary action for practicing nursing without a license while that license is lapsed. A nurse who is petitioning for renewal of a lapsed license who answers yes to one (1) or more of the questions on the petition which relate to possible grounds for denial of renewal under section 335.066, RSMo, shall submit copies of appropriate documents, as requested by the board, related to that answer before his/her petition will be considered complete. The copies shall be certified if they are records of a court or administrative government agency. If a lapsed license is not reinstated, the board shall notify the nurse of the fact and the statutory right to file a complaint with the Administrative Hearing Commission.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 4—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under sections 335.016(2) and 335.036, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2200-4.100 Advanced Practice Nurse is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1474). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 4—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under sections 334.104.3 and 335.036, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2200-4.200 Collaborative Practice is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1474–1475). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 6—Intravenous Infusion Treatment  
Administration**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.017, RSMo 2000 and section 335.036, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2200-6.020 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1475). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 6—Intravenous Infusion Treatment  
Administration**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.017, RSMo 2000 and section 335.036, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2200-6.060 Requirements for Intravenous Therapy  
Administration Certification is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1475–1476). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2233—State Committee of Marital and Family  
Therapists  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Marital and Family Therapists under section 337.727.1(10), RSMo 2000, the board amends a rule as follows:

**20 CSR 2233-1.020 Policy for Release of Public Records  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1476). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2233—State Committee of Marital and Family  
Therapists  
Chapter 3—Ethical Standards**

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Marital and Family Therapists under sections 337.727.1(6) and (10) and 337.730.2(15), RSMo 2000, the board amends a rule as follows:

**20 CSR 2233-3.010 General Principles is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1476). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 3—Applications for Certification and Licensure**

**ORDER OF RULEMAKING**

By the authority vested in the Real Estate Appraisers under section 339.509(8), RSMo 2000, the board amends a rule as follows:

**20 CSR 2245-3.005 Trainee Real Estate Appraiser Registration  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1476–1477). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2270—Missouri Veterinary Medical Board  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under section 340.210, RSMo 2000, the board amends a rule as follows:

**20 CSR 2270-1.040 Name and Address Changes is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1477). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2270—Missouri Veterinary Medical Board  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.258, 340.314, 340.322, 340.324, and 340.326, RSMo 2000 and sections 340.262, 340.312, and 340.320, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2270-1.050 Renewal Procedures is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1477–1478). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2270—Missouri Veterinary Medical Board  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under section 340.210, RSMo 2000, and sections 610.023 and 610.026, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2270-1.060 Public Records is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1478). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2270—Missouri Veterinary Medical Board  
Chapter 2—Licensure Requirements for Veterinarians**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.216, and 340.230, RSMo 2000, the board amends a rule as follows:

**20 CSR 2270-2.051 Licensure (Exception) is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1478–1479). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2270—Missouri Veterinary Medical Board  
Chapter 2—Licensure Requirements for Veterinarians**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210 and 340.238, RSMo 2000 and section 340.234, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2270-2.060 Reciprocity is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1479). No changes have been made to the text of

the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2270—Missouri Veterinary Medical Board  
Chapter 3—Registration Requirements for Veterinary  
Technicians**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210 and 340.238, RSMo 2000 and sections 340.234 and 340.306, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2270-3.030 Reciprocity is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1479). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2270—Missouri Veterinary Medical Board  
Chapter 5—Veterinary Facilities Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210 and 340.264, RSMo 2000, the board amends a rule as follows:

**20 CSR 2270-5.021 Veterinary Facility Self-Inspection Procedures  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1479–1480). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2270—Missouri Veterinary Medical Board  
Chapter 5—Veterinary Facilities Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210 and 340.264, RSMo 2000, the board amends a rule as follows:

**20 CSR 2270-5.041 Temporary Continuance of Veterinary Practice  
Upon Death of Owner is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1480). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## Construction Transient Employers

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
9 MILE BORING & TRENCHING INC	6436 VISTA DR	SHAWNEE	KS	66218
A & B PROCESS SYSTEMS CORP	201 S WISCONSIN AVE	STRATFORD	WI	54484
A FISCHER BUILDERS INC	814 OHIO ST	QUINCY	IL	62301
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACADEMY ROOFING & SHEET METAL CO	6361 NE 14TH ST	DES MOINES	IA	50313
ACE REFRIGERATION OF IOWA INC	6440 6TH ST SW	CEDAR RAPIDS	IA	52404
ACG NORTH AMERICA INC	120 HALCYON DRIVE	BRISTOL	CT	06010
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ACTION INSTALLERS INC	1224 CAMPBELL AVE SE	ROANOKE	VA	24013
ADDISON CONSTRUCTION CO	1526 HORSE CREEK RD	CHEYENNE	WY	82009
ADECCO USA INC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
ADVANCED PROTECTIVE COATING INC	2530 BAYARD ST	KANSAS CITY	KS	66105
ADVANTAGE PROFESSIONAL OF PHOENIX LLC	1995 WEHRLE DR	WILLIAMSVILLE	NY	14221
AE MFG INC	PO BOX 9457	TULSA	OK	74157
AEG MANAGEMENT KC LLC	1111 S FIGUEROA STREET	LOS ANGELES	CA	90015
AERIAL SOLUTIONS INC	7074 RAMSEY FORD ROAD	TABOR CITY	NC	28463
AIMTECH SOLUTIONS INC	265 TRAFALGAR DRIVE	DOVER	DE	19904
AJILON PROFESSIONAL STAFFING LLC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
AKERMAN CONSTRUCTION CO INC	2915 SH 74 SOUTH	PURCELL	OK	73080
AKI CONTROL SYSTEMS INC	P O BOX 444	WALLER	TX	77484
ALARM TECHS INC	2728 JAYLENE ROAD	NORTH PORT	FL	34288
ALL IOWA CONTRACTING CO	5613 MCKEVETTE RD	WATERLOO	IA	50701
ALLIANCE ENTERPRISES INC	5421 PENINSULA DR S E	OLYMPIA	WA	98513
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED STEEL CONSTRUCTION CO LLC	2211 NW FIRST TERRACE	OKLAHOMA CITY	OK	73107
ALLIED UNIKING CORPORATION INC	4750 CROMWELL AVE	MEMPHIS	TN	38118
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 255TH ST	PAOLA	KS	66071
ALVAREZ ENVIRONMENTAL LLC	4631 INVERNESS DR	POST FALLS	ID	83854
AM COHRON & SON INC READY MIX CONCRETE	PO BOX 479	ATLANTIC	IA	50022
AMERICAN CIVIL CONSTRUCTORS INC	4901 S WINDERMERE ST	LITTLETON	CO	80120
AMERICAN CONVEYOR & EQUIPMENT INC	6692 TUSSING RD	REYNOLDSBURG	OH	43068
AMERICAN DIVERSIFIED HOISTING	1815 MULE ROAD	COLUMBIA	IL	62236
AMERICAN HYDRO	1029 IRS AVE	BALTIMORE	MD	21205

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
AMERICAN UNDERGROUND INC	25135 22ND AVE	ST CLOUD	MN	56301
AMERICASDOCTOR.COM COORDINATORS SERVICES INC	3315 S 23RD STR 108	TACOMA	WA	98405
ARBY CONSTRUCTION COMPANY INC	19705 W LINCOLN AVE	NEW BERLIN	WI	53146
ARCH + BEAM GLOBAL INC	655 SKYWAY RD SUITE 109	SAN CARLOS	CA	94070
ARCHITECTURAL GLAZING PROFESSIONALS	11655 CLARE RD	OLATHE	KS	66061
ARCHITECTURAL WALL SYSTEMS CO	3000 30TH ST	DES MOINES	IA	50310
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	03234
ARNOLD AND ASSOCIATES OF WICHITA INC	530 S TOPEKA STREET	WICHITA	KS	67202
ARR ROOFING LLC	8909 WASHINGTON ST	OMAHA	NE	68127
ARROWHEAD SERVICES INC	12920 METCALF STE 150	OVERLAND PARK	KS	66213
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ATLANTIC ENGINEERING GROUP INC	1136 ZION CHURCH RD	BRASELTON	GA	30517
ATWOOD ELECTRIC INC	23124 HIGHWAY 149	SIGOURNEY	IA	52591
AUGERS UNLIMITED INC	11933 KAW DRIVE	KANSAS CITY	KS	66111
AUTOMATIC BAR CONTROLS INC	790 EUBANKS DR	VACAVILLE	CA	95688
B & B CONTRACTORS INC	4300 EDISON AVE	CHINO	CA	91710
B & D ELECTRIC INC	P O BOX 43	STAMPS	AR	71860
BAKER CONCRETE CONSTRUCTION INC	900 N GARVER RD	MONROE	OH	45050
BANKERS EDGE	1288 VALLEY FORGE STE 50	VALLEY FORGE	PA	19482
BARNESCO INC	2002 CEDAR CREST	ARKANSAS CITY	KS	67005
BAZIN EXCAVATING INC	20160 W 191ST	SPRINGHILL	KS	66083
BD CONSTRUCTION INC.	209 EAST 6TH STREET	KEARNEY	NE	68847
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS	IA	52402
BENNETT BUILDING INC	3560 INDEPENDENCE DRIVE	HOMEWOOD	AL	35209
BERBERICH TRAHAN & CO PA	3630 SW BURLINGAME ROAD	TOPEKA	KS	66611
BEST PLUMBING & HEATING	421 SECTION OD	SCAMMON	KS	66773
BESTORE INC	6750 W 75TH STE 1A	OVERLAND PARK	KS	66204
BIG INCH FABRICATORS & CONSTRUCTION INC	P O BOX 99	MONTEZUMA	IN	47862
BIGGE CRANE AND RIGGING CO	10700 BIGGE AVE	SAN LEANDRO	CA	94577
BILL DAVIS ROOFING LC	628 VERMONT	LAWRENCE	KS	66044
BLACK CONSTRUCTION CO	18483 US HIGHWAY 54	ROCKPORT	IL	62370
BLAHNIK CONSTRUCTION CO	150 50TH AVE DR SW	CEDAR RAPIDS	IA	52404
BLAZE MECHANICAL INC	15755 S 169 HWY STE E	OLATHE	KS	66062
BLUE WATER ENVIRONMENTAL INC	29041 WICK RD	ROMULUS	MI	48170
BLUESTONE CONSTRUCTION LLC	13271 OBANNON STATION WAY	LOUISVILLE	KY	40223
BLUME REFRIGERATED TRANSPORT LLC	1916 E 29TH STREET	MARSHFIELD	WI	54449
BOB FLORENCE CONTRACTOR INC	1934 S KANSAS AVE	TOPEKA	KS	66612
BOREAL AVIATION INC	401 AVENUE F	GWINN	MI	49841
BRB CONTRACTORS INC	400 W CURTIS	TOPEKA	KS	66608
BROCK SERVICES LTD	1670 E CARDINAL DR	BEAUMONT	TX	77704
BRONDER TECHNICAL SERVICES	650 NEW CASTLE RD	BUTLER	PA	16001

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BROWN & BROWN INC	124 INDIANA AVE	SALINA	KS	67401
BRUCE TRUCKING AND EXCAVATING INC	4401 HWY 162	GRANITE CITY	IL	62040
BUILDING ERECTION SERVICES COMP OF MO LC	15585 SOUTH KEELER	OLATHE	KS	66051
BUTTERS FETTING CO INC	1669 S 1ST STREET	MILWAUKEE	WI	53204
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS	IN	47452
CABLE CONSTRUCTORS INC	105 KENT ST	IRON MOUNTAIN	MI	49801
CAMERON GENERAL CONTRACTORS INC	8040 EIGER DRIVE	LINCOLN	NE	68516
CAPITAL INSULATION INC	3210 NE MERIDEN RD	TOPEKA	KS	66617
CARRICO CONSTRUCTION COMPANY INC	4015 MAY AVE	WICHITA	KS	67213
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN	SC	29334
CAS CONSTRUCTION LLC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION CO	1325 W LAKE ST	ROSELLE	IL	60172
CASHATT & SONS CORP	BOX 74	RED OAK	IA	51566
CASYSTEMS INTERNATIONAL INC	8300 COLESVILLE RD 700	SILVER SPRING	MD	20910
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CD SMITH CONSTRUCTION INC	889 EAST JOHNSON ST	FOND DU LAC	WI	54935
CDK SKANSKA INC	800 S HUTTON RD	FARMINGTON	NM	87401
CELLXION WIRELESS SERVICES LLC	5031 HAZEL JONES RD	BOSSIER CITY	LA	71111
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY	IA	52214
CENTRAL ILLINOIS TILE CO	3302 N MATTIS AVE	CHAMPAIGN	IL	61821
CENTRAL SEAL COMPANY	P O BOX 490	DANVILLE	KY	40422
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY	KS	66111
CHAMPION EXPOSITION SERVICES	139 CAMPANELLI DRIVE	MIDDLEBORO	MA	02346
CHANCE CONSTRUCTION CO	ITALY & BARBER ST	HEMPHILL	TX	75948
CHESTER PHILLIPS CONSTRUCTION COMPANY	1501 N UNIVERSITY STE 740	LITTLE ROCK	AR	72207
CHRIS GEORGE HOMES INC	2111 E SANTA FE #112	OLATHE	KS	66062
CHRISTIE DIGITAL SYSTEMS USA INC	10550 CAMDEN DRIVE	CYPRESS	CA	90630
CLIFFORD LEE & ASSOCIATES	292 MELVIN HARRIS RD	MANCHESTER	GA	31816
COAST TO COAST BUILDERS INC	750 E FUNSTON	WICHITA	KS	67211
COLE RAYWID & BRAVERMAN LLP	1919 PENNSYLVANIA AVE NW	WASHINGTON	DC	20006
COLLEGIATE DEVELOPMENT SERVICES LP	1811 COLLEGIATE BLVD	ROLLA	MO	65401
COLORADO STRUCTURES INC	540 ELKTON DR STE 202	COLORADO SPRINGS	CO	80907
COMMERCIAL CONTRACTORS INC	16745 COMSTOCK STREET	GRANDHAVEN	MI	49417
COMO TECH INSPECTIONS INC	40 DEEP CREEK RD	MANHATTAN	KS	66502
CONCO INC	3030 ALL HALLOWS	WICHITA	KS	67217
CONLEY SPRINKLER INC	822 MAIN	PLEASANTON	KS	66075
CONSTRUCTION SERVICES BRYANT INC	232 NEW YORK ST	WICHITA	KS	67214
CONSTRUCTION ZONE OF DFW LLC	1420 SPRINGHILL RD	AUBREY	TX	76227
CONTRACT DEWATERING SERVICES INC	5820 W RIVERSIDE DR	SARANAC	MI	48881
CONTROL INSTALLATIONS OF IOWA INC	6200 THORNTON AVE STE 190	DES MOINES	IA	50321
COOPER GENERAL CONTRACTORS	1225 E CROSBY RD STE A 1	CARROLLTON	TX	75006

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COOPERS STEEL FABRICATORS	PO BOX 149	SHELBYVILLE	TN	37162
CORNERSTONE COMMERCIAL CONTRACTORS	1260 JERICO	CORNING	IA	50841
CORNERSTONE CONSTRUCTION MANAGEMENT INC	3221 SKYCRAFT DR	MINNEAPOLIS	MN	55418
CORONADO INC	1835 WALL ST	SALINA	KS	67401
COWARTS CONSTRUCTION COMPANY INC	223 AIRPORT RD	SALEM	AR	72576
CRC SOFTWARE SOLUTIONS INC	246 KRUGER STREET	WHEELING	WV	26003
CRE8PLAY, LLC	4645 YORKTOWN LN N	PLYMOUTH	MN	55442
CREEK ELECTRIC INC	2811 W PAWNEE ST	WICHITA	KS	67213
CROSSLAND HEAVY CONTRACTORS INC	S HWY 69	COLUMBUS	KS	66275
CROWN CORR INC	7100 W 21ST AVE	GARY	IN	46406
CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
CUST O FAB FIELD SERVICE LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUSTOMER CARE SOLUTIONS	1 IRVINGTON CTR 700 KING	ROCKVILLE	MD	20850
CYC CONSTRUCTION INC	13425 F ST	OMAHA	NE	68137
D & B INDUSTRIAL FLOOR COATINGS INC	W137 N8589 LANDOVER CRT	MENOMONEE FALLS	WI	53051
D & D INDUSTRIAL CONTRACTING INC	101 MULLEN DR	WALTON	KY	41094
D & W MASONRY INC	473 VILLAGE PARK DRIVE	POWELL	OH	43065
DAMATO BUILDERS + ADVISERS LLC	40 CONNECTICUT AVE	NORWICH	CT	06360
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DAVCO MECHANICAL CONTRACTORS INC	4248 E 96TH ST N	SPERRY	OK	74073
DAVE OSBORNE CONSTRUCTION CONTRACTI	15600 28TH AVE N	PLYMOUTH	MN	55447
DAVID A NICE BUILDERS INC	4571 WARE CREEK ROAD	WILLIAMSBURG	VA	23188
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DEAN SNYDER CONSTRUCTION CO	912 N 13TH ST	CLEAR LAKE	IA	50428
DEAN STEEL ERECTION COMPANY INC	5366 N VALLEY PIKE	HARRISONBURG	VA	22803
DECORATING AND COATING APPLICATIONS LLC	2355 CLYDE DRIVE	CHAMBLEE	GA	30341
DEJAGER CONSTRUCTION	75 60TH ST SW	WYOMING	MI	49508
DELPHI AUTOMOTIVE SYSTEMS HUMAN RESOURCES LLC	P O BOX 5086	TROY	MI	48007
DELTA T CONSTRUCTION COMPANY INC	W137 N5732 WILLIAMS PL	MENOMONEE FLS	WI	63051
DEPENDABLE FIRE PROTECTION INC	13360 WHITE CREEK RD	CEDAR SPRINGS	MI	49319
DF CHASE INC	3001 ARMORY DR	NASHVILLE	TN	37204
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND SURFACE INC	13792 REIMER DR N	MAPLE GROVE	MN	55311
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIVINE INC	2310 REFUGEE RD	COLUMBUS	OH	43207
DOME CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DON BORNEKE CONSTRUCTION INC	61650 216TH LANE	EAGLE LAKE	MN	56024
DOSTER CONSTRUCTION CO INC	2100 INTERNATIONAL PARK D	BIRMINGHAM	AL	35243
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	66762
DPLM INC	5550 NE 22ND STREET	DES MOINES	IA	50313
DRC EMERGENCY SERVICES LLC	740 MUSEUM DRIVE	MOBILE	AL	36608



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DUALTEMP INSTALLATIONS INC DBA DUALTEMP WISCONSIN	3695 J N 126TH STREET	BROOKFIELD	WI	53005
DUANE HOUKOM INC	7 WINDSONG LANE	FRIENDSWOOD	TX	77546
DUREX COVERINGS INC	53 INDUSTRIAL RD	BROWNSTOWN	PA	17508
DUSTROL INC	GEN DEL	EL DORADO	KS	67042
E80 PLUS CONSTRUCTORS LLC	600 BASSETT ST	DEFOREST	WI	53532
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32216
EIB CONTRACTORS INC	5416 SCHERTZ RD	SAN ANTONIO	TX	78233
ELECTRICAL LINE SERVICES INC	14200 S TULSA DR	OKLAHOMA CITY	OK	73170
ELECTROSTIM MEDICAL SERVICES, INC	3504 GRAGMONT DR #100	TAMPA	FL	33619
EMCO CHEMICAL DISTRIBUTORS INC	2100 COMMONWEALTH AVE	NORTH CHICAGO	IL	60064
EMPLOYEE RESOURCE ADMINISTRATION LP	12400 COIT RD #1030	DALLAS	TX	75251
ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003
ENTERPRISE SOLUTIONS INC	2116 WALSH AVE STE B	SANTA CLARA	CA	95050
ENVIRONMENTAL FABRICS INC	85 PASCON CT	GASTON	SC	29053
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62984
ETHOS COFFEE COMPANY	8395 MELROSE DRIVE	LENEXA	KS	66214
EVCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
EXCEL STUCCO INC	14123 MANOR DR	LEAWOOD	KS	66224
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
F L CRANE & SONS INC	508 S SPRING	FULTON	MS	38843
F&F CONSTRUCTION INC	7377 OLD ALEXANDRIA FERRY	CLINTIN	MD	20735
FABCON INCORPORATED	6111 WEST HIGHWAY 13	SAVAGE	MN	55378
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALEWITCH CONSTRUCTION SERVICES INC	8720 S 114TH ST STE 100	LAVISTA	NE	68128
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FARMER ENVIRONMENTAL SERVICES LLC	108 EMERALD HILLS DR	EDWARDSVILLE	IL	62025
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015
FEDERAL STEEL & ERECTION	200 E ALTON AVE	EAST ALTON	IL	62024
FIRST CONSTRUCTION GROUP INC	3729 WEST AVE	BURLINGTON	IA	52601
FISHEL COMPANY THE	1810 ARLINGATE LN	COLUMBUS	OH	43228
FLORIDA INSTITUTE OF TECHNOLOGY INC	150 W UNIVERSITY BLVD	MELBOURNE	FL	32901
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOLTZ WELDING PIPELINE MAINTENANCE	501 E CLINTON AVE	PATOKA	IL	62875
FREEDOM CONCRETE LLC	9620 LEXINGTON AVE	DESOTO	KS	66018
FREESSEN INC	316 S PEARL	BLUFFS	IL	62621
FRONT RANGE ENVIRONMENTAL LLC	2110 W WRIGHT RD	MCHENRY	IL	60050
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GAS ELECTRICAL SERVICES INC	216 W 2ND STREET	HOLSTEIN	IA	51025
GEISSLER ROOFING CO INC	612 S 3RD ST	BELLEVILLE	IL	62220

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GENE FRITZEL CONSTRUCTION SERVICES	628 VERMONT	LAWRENCE	KS	66044
GEOTECH SERVICES INC	6820 W SNOWVILLE RD	BRECKSVILLE	OH	44141
GLEESON CONSTRUCTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105
GOERLICH ROOFING INC	4400 HARRISON	QUINCY	IL	62301
GOLEY INC	P O BOX 309	DUPO	IL	62239
GORDONS ENHANCED TECHNOLOGY MARKETING INC	1621 W COSBY #112	CARROLLTON	TX	75006
GRAHAM CONSTRUCTION COMPANY	421 GRAND AVE	DES MOINES	IA	50309
GRANADE STEEL INC	5425 BOWLS BOTTOM ROAD	PINCKNEYVILLE	IL	62274
GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
GREAT SOUTH CONSTRUCTION CO INC	2500 HWY 31 SOUTH	PELHAM	AL	35124
GREAT SOUTHWESTERN CONSTRUCTION INC	6880 SO I 25	CASTLE ROCK	CO	80104
GUS CONST CO INC	606 ANTIQUE COUNTRY DR	CASEY	IA	50048
GYPSUM FLOORS OF AR/OK INC	PO BOX 1707	MULDROW	OK	74948
H & H SYSTEMS & DESIGN INC	130 EAST MAIN ST	NEW ALBANY	IN	47150
H&H DRYWALL SPECIALTIES INC	3727 E 31ST STR	TULSA	OK	74135
HANLIN RAINALDI CONSTRUCTION CORP	6610 SINGLETREE DR	COLUMBUS	OH	43229
HARMAN & SON CONSTRUCTION INC	1810 B EIGHTH AVE	FORT WORTH	TX	76110
HARMAN CONSTRUCTION INC	1633 ROGERS RD	FORT WORTH	TX	76107
HARNESS ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HARVEY NASH INC	1680 ROUTE 23 N STE 300	WAYNE	NJ	07470
HC BECK LTD	1820 MARKET ST FL 3	ST LOUIS	MO	63103
HENDERSON ENGINEERS INC	8325 LENEXA DR STE 400	LENEXA	KS	66214
HENNING CONSTRUCTION COMPANY	5870 MERLE HAY RD	JOHNSTON	IA	50131
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91436
HERMAN STEWART CONSTRUCTION & DEVEL	4550 FORBES BLVD	LANHAM	MD	20706
HG DALLAS CONSULTING LLC	6860 N DALLAS PKWY	PLANO	TX	75024
HOLIAN ASBSTS RMVL & ENCPSTN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HOLLIS ROOFING INC	P O BOX 2229	COLUMBUS	MS	39704
HOOPER CORPORATION	P O BOX 7455	MADISON	WI	53707
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116
HORIZON GROUP INC	1325 N E BOND ST	PEORIA	IL	61603
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	4222 HWY 52	META	MO	65058
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HUMAN CAPITAL CONCEPTS LLC	1075 BROAD RIPPLE AVE	INDIANAPOLIS	IN	46220
HUTTON CONTRACTING CO INC	HWY 50	LINN	MO	65051
I & I CONSTRUCTION INC	21050 N BRADY ST STE A	DAVENPORT	IA	52804
IMPERIAL ROOF SYSTEMS CO	203 ARMOUR ST	WEST UNION	IA	52175
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRY SERVICES CO INC	5550 TODD ACRES DR	MOBILE	AL	36619

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INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110
INTERNATIONAL INDUSTRIAL CONTRACTING CORPORATION	35900 MMOUND RD	STERLING HEIGHTS	KS	48310
INTL BROTHERHOOD OF ELECTRICAL WORK	106 N MONROE ST	WEST FRANKFORT	IL	62896
IOWA BRIDGE & CULVERT LC	409 N AVE B	WASHINGTON	IA	52353
IRBY CONSTRUCTION CO	817 S STATE ST	JACKSON	MS	39201
IRON MOUNTAIN M J ELECTRIC LLC	16151 N RT Z	CENTRALIA	MO	65240
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY S	AUSTIN	TX	78704
J & W CONTRACTING LLC	1925 FORT WORTH HWY #102	WEATHERFORD	TX	76086
JAMES N GRAY CONSTRUCTION CO	250 W MAIN ST	LEXINGTON	KY	40507
JD FRANKS INC	1602 S BELTINE ROAD	DALLAS	TX	75253
JEN MECHANICAL INC	803 HOPP HOLLOW DR	ALTON	IL	62002
JENNINGS-DILL INC	33 GRAND AVENUE	GREENVILLE	SC	29607
JESCO INC	2020 MCCULLOUGH BLVD	TUPELO	MS	38801
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JOEL FRITZEL CONSTRUCTION CO.	3320 CLINTON PARKWAY CT	LAWRENCE	KS	66047
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203
JOHN T JONES CONSTRUCTION CO	2213 7TH AVE NORTH	FARGO	ND	58108
JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOHNSONS BUILDERS	1455 HODGES FERRY ROAD	DOYLE	TN	38559
JOLLEY CONSTRUCTION COMPANY	2034 HAMILTON PL BLVD 200	CHATTANOOGA	TN	37421
JOMAX CONSTRUCTION COMPANY INC	S 281 HWY	GREAT BEND	KS	67530
JONES BLYTHE CONSTRUCTION COMPANY	1030 W REYNOLDS ST	SPRINGFIELD	IL	62702
JOY MASONRY	124 S BALTIMORE STE I	DERBY	KS	67037
JULIUS KAAZ CONSTRUCTION COMPANY IN	716 CHEROKEE	LEAVENWORTH	KS	66048
K AND W ELECTRIC INC	814 CASTRO STREET	SAN LEANDRO	CA	94577
KANE FIRE PROTECTION INC	170 E ALTON AVE	EAST ALTON AVE	IL	62024
KANSAS BUILDING SYSTEMS INC	1701 SW 41ST	TOPEKA	KS	66609
KANSAS BUSINESS FORMS AND SUPPLIES INC	505 MAIN ST	BELTON	MO	64012
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNA	IL	61074
KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEARNEY ELECTRIC INC	3609 E SUPERIOR AVE	PHOENIX	AZ	85040
KENJURA TILE INC	BOX 158	BRENNHAM	TX	77834
KENT ANDERSON CONCRETE LP	830 E VALLEY RIDGE BLVD	LEWISVILLE	TX	75057
KESSLER CONSTRUCTION INC	13402 W 92ND ST	LENEXA	KS	66215
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KHAFRA ENGINEERING CONSULTANTS INC	230 PEACHTREE ST STE 200	ATLANTA	GA	30303
KILIAN CORPORATION THE	608 S INDEPENDENCE	MASCOUTAH	IL	62258
KIM CON INC	2118 S 156TH ST	OMAHA	NE	68130
KINLEY CONSTRUCTION GROUP LP	4025 WOODLAND PK BLVD 410	ARLINGTON	TX	76013
KNIGHT TRENCHING & EXCAVATING INC	14168 SANTA FE TRAIL DR	LENEXA	KS	66215

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KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
L & L INSULATION & SUPPLY CO	3810 B PAULE AVE	ST LOUIS COUNTY	MO	63125
LADD EXTERIOR WALL SYSTEMS INC	3220 CORPORATE DR	WILMINGTON	NC	28405
LAKE CONTRACTING INC	4650 STONE CHURCH RD	ADDIEVILLE	IL	62214
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158
LARSON CONTRACTING INC	508 WEST MAIN STREET	LAKE MILLS	IA	50450
LAW CO INC	345 RIVERVIEW ST	WICHITA	KS	67203
LEANDER CONSTRUCTION INC	24472 N CO 6	CANTON	IL	61520
LIGHT BRIGADE THE	837 INDUSTRY DRIVE	TUKWILA	WA	98188
LINAWEAVER CONSTRUCTION INC	719 GILMAN RD	LANSING	KS	66043
LITTLE ROCK ELECTRICAL CONTRACTORS	13008 LAWSON RD	LITTLE ROCK	AR	72210
LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LS CONSTRUCTION SERVICES	8301 W 125TH ST	OVERLAND PARK	KS	66213
M & M ELECTRICAL CONTRACTOR INC	5832 ROY PERRY RD	SPRINGFIELD	TN	37172
M & W CONTRACTORS INC	400 S STEWART ST	E PEORIA	IL	61611
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101
MAHAFFEY CONSTRUTION	102 ESTATES DR	GREEN FOREST	AR	72638
MAHAFFEY CONSTRUCTION	102 ESTATES DR	GREEN FOREST	AR	72638
MAINSTREET MUFFLER AND BRAKE	1406 N MAIN STREET	HARRISON	AR	72601
MAROLD ELECTRIC INC	1925 SHERWOOD LAKE ESTATE	QUINCY	IL	62305
MARTIN COMPANIES LLC DBA MARTIN ELECTRIC	1542 E SPRUCE	OLATHE	KS	66061
MARTIN FIREPROOFING CORPORATION	2200 MILITARY ROAD	TONAWANDA	NY	14150
MAXWELL CONSTRUCTION INC	333 W HAMPTON AVE #325	ENGLEWOOD	CO	80110
MCMASTER CONSTRUCTION INC	138 NE 46TH	OKLAHOMA CITY	OK	73105
MDS BUILDERS INC	5455 N FEDERAL HWY	BOCA RATON	FL	33487
MEADOWS CONSTRUCTION CO INC	1014 FRONT ST	TONGANOXIE	KS	66086
MECHANICAL CONSTRUCTION SERVICES IN	1711 MELROSE DR	BENTON	AR	72015
METROPOLITAN PAVEMENT SPECIALISTS LLC	14012 GILES RD	OMAHA	NE	68138
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MIDLAND WRECKING INC	15 HENNING	LENEXA	KS	66215
MIDWEST MOLE INC	2460 N GRAHAM AVE	INDIANAPOLIS	IN	46218
MIDWEST PARTITIONS INC	509 WALNUT STREET	THEDFORD	NE	69166
MILLENNIUM BROKERAGE GROUP	611 COMMERCE ST STE 2704	NASHVILLE	TN	37203
MILLER DRILLING COMPANY INC	107 HELTON DR	LAWRENCEBURG	TN	38464
MILLER INSULATION CO INC	US HWY 65 & MO HWY 127	MALTA BEND	MO	65339
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MJ HARRIS INC	2620 N WESTWOOD BLVD	POPLAR BLUFF	MO	63901
MORRIS SHEA BRIDGE CO INC	1820 1ST AVENUE SOUTH	IRONDALE	AL	35210
MORRISSEY CONTRACTING CO	705 SOUTHMOOR PL	GODFREY	IL	62035

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
MOWERY BACKHOE & TRENCHER SERVICE	25374 TONGANOXIE RD	LEAVENWORTH	KS	66048
MP NEXLEVEL LLC	500 CR 37 E	MAPLE LAKE	MN	55358
MULTIPLE CONCRETE ENTERPRISES	1680 W 1000 N	LAYTON	UT	84041
MURPHY & SONS ROOFING	1010 NORTH 54TH ST	KANSAS CITY	KS	66102
MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD	ST PETER	MN	56082
NATGUN CORP	11 TEAL RD	WAKEFIELD	MA	01880
NEBEL CONSTRUCTION SERVICES INC	11380 STRANG LINE ROAD	LENEXA	KS	66215
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410
NEESE INC	303 DIVISION PO BOX 392	GRAND JUNCTION	IA	50107
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48083
NO FAULT INDUSTRIES INC	15556 PERKINS RD	BATON ROUGE	LA	70810
NORMENT SECURITY GROUP INC	3224 MOBILE HWY	MONTGOMERY	AL	36108
NORTH CENTRAL BUILDERS INC	321 N BROADWAY	HARTINGTON	NE	68739
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHERN CLEARING INC	1805 W MAIN ST	ASHLAND	WI	54806
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OLIVER HATCHER CONSTRUCTION AND DEVELOPMENT INC	27333 MEADOWBROOK RD	NOVI	MI	48377
OMNI ENGINEERING INC	14012 GILES RD	OMAHA	NE	68138
ORASURE TECHNOLOGIES INC	220 EAST FIRST STREET	BETHLEHEM	PA	18015
PADGETT BUILDING & REMODELING INC	4200 SMELTING WORKS RD	BELLEVILLE	IL	62226
PATTON TULLY MARINE LLC	1242 N 2ND STREET	MEMPHIS	TN	38107
PCL CONSTRUCTION SERVICES INC	2000 S COLORADO BLVD 2500	DENVER	CO	80222
PETERSON CONTRACTORS INC	104 BLACKHAWK ST	REINBECK	IA	50669
PETTUS PLUMBING & PIPING INC	P O BOX 3237	MUSCLE SHOALS	AL	35662
PIASA COMMERCIAL INTERIORS INC	1001 S MORRISON AVE	COLLINSVILLE	IL	62234
PIKE ELECTRIC INC	100 PIKE WAY	MOUNT AIRY	NC	27030
PINNACLE CONSTRUCTION INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PLOWMAN CONSTRUCTION COMPANY INC	905 E PARK ST	OLATHE	KS	66061
PLUM RHINO CONSULTING LLC	1010 HUNTCLIFF STE 1350	ATLANTA	GA	30350
P-N-G CONTRACTING INC	917 CARLA DR	TROY	IL	62294
POLE MAINTENANCE CO LLC	4307 23RD ST	COLUMBUS	NE	68601
POTTER ELECTRIC	2801 W 7TH STREET	ELK CITY	OK	73644
PRECAST ERECTORS INC	3500 VALLEY VISTA DR	HURST	TX	76053
PRECISION SCAN LLC	115 TODD COURT	THOMASVILLE	NC	27360
PRO LINE CONSTRUCTION INC	7946 NW TOPEKA BLVD	TOPEKA	KS	66617
PROGRESSIVE CONTRACTORS INC	14123 42ND ST NE	ST MICHAEL	MN	55376
PULTE PAYROLL CORPORATION	100 BLOOMFIELD HILLS #300	BLOOMFIELD HILLS	MI	48034
PYRAMID CONTRACTORS INC	795 W IRONWOOD RD	OLATHE	KS	66061

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
PYRAMID ELECTRICAL CONTRACTORS INC	300 MONTICELLO PLACE	FAIRVIEW HEIGHTS	IL	62208
QUALITY COMMERCIAL INSTALLATION INC	BOX 17	WOODSTOCK	IL	60098
QUALITY ELECTRIC OF DOUGLAS COUNTY INC	1011 E 31ST STREET	LAWRENCE	KS	66046
QUALITY TRANSPORTATION SERVICES INC	5220 S CAMERON ST	LAS VEGAS	NV	89118
QUOVADX INC	7600 E ORCHARD RS 300 S	GREENWOOD VILLAGE	CO	80111
R MESSNER CONSTRUCTION CO INC	3595 N WEBB RD #500	WICHITA	KS	67226
R N HARRIS CONSTRUCTION CO	3200 HASKELL AVE STE 140	LAWRENCE	KS	66046
R RANDLE CONSTRUCTION INC	1414 SO STATE RTE 13	FREEBURG	IL	62243
RADIOLOGY STAFFING INC	13705 B ST	OMAHA	NE	68144
RAGAN MECHANICAL INC	702 W 76TH STREET	DAVENPORT	IA	52806
RCS CONSTRUCTION INC	197 OLD ST LOUIS RD	WOOD RIVER	IL	62095
RDC MANUFACTURING INC	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
REASONS CONSTRUCTION COMPANY INC	3825 EAST END DR	HUMBOLDT	TN	38343
REDDINGER CONSTRUCTORS INC	6301 OLD BOONVILLE HWY	EVANSVILLE	IN	47715
REED CONSTRUCTION DATA INC	275 WASHINGTON ST	NEWTON	MA	02458
RELIANT TRANSPORTATION CF LLC	770 N COTNER BLVD 410	LINCOLN	NE	68505
RELIA TECH INC	2280 SIBLEY COURT	EAGAN	MN	55122
REMCON GENERAL CONTRACTING INC	10311 RT E	JEFFERSON CITY	MO	65101
RESERV CONSTRUCTION CO INC	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N	ST PAUL	MN	55042
RFB CONSTRUCTION CO INC	565 E 520TH AVE	PITTSBURGH	KS	66762
RIDGELAND ENTERPRISES	712 CR 1034	CLARKRIDGE	AR	72623
RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
ROGER ENGEMANN DRAINAGE CO INC	135 N MAIN	TROY	KS	66087
ROSE LAN CONTRACTORS INC	820 CHEYENNE AVE	KANSAS CITY	KS	66105
ROYAL ELECTRIC CONSTRUCTION INC	7905 MONTICELLO RD	SHAWNEE MISSION	KS	66203
RUPP MASONRY CONSTRUCTION CO	1501 N 18TH STREET	QUINCY	IL	62301
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
RYAN FLOORS INC	305 CARL STREET	ROCKVILLE	MD	20851
S & B CONSTRUCTION CO LLC	117 E WASHINGTON ST	INDIANAPOLIS	IN	46204
S A COMUNALE CO INC	2900 NEWPARK DR	BARBERTON	OH	44203
S M STOLLER CORPORATION THE	105 TECHNOLOGY DR STE 190	BROOMFIELD	CO	80021
SA SMITH ELECTRIC INC	525 JERSEY ST	QUINCY	IL	62301
SAGEZ CONSTRUCTION INC	HC61 BOX 17	HARDIN	IL	62047
SAM ANDERSON CONSTRUCTION CO LLC	19915 W 161ST ST STE B	OLATHE	KS	66062
SCHUMACHER ELEVATOR COMPANY	ONE SCHUMAKER WAY	DENVER	IA	50622
SCHUPPS LINE CONSTRUCTION INC	10 PETRA LANE	ALBANY	NY	12205
SERVICE CARE OF AMERICA INC	2050 MARCONI DR STE 300	ALPHARETTA	GA	30005
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHIELDS TELECOMM INC	7 CIRCLE DR	MOUNT VERNON	IL	62864
SHILLING CONSTRUCTION CO INC	555 POYNTZ AVE STE 260	MANHATTAN	KS	66502
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
SIGMAN INDOOR CLIMATE SOLUTIONS LLC	6200 OLD ST LOUIS RD	BELLEVILLE	IL	62223
SKYLIGHT FINANCIAL INC	1455 LINCOLN PKWY STE 600	ATLANTA	GA	30346
SLUDGE TECHNOLOGY INC	8101 W 33RD STREET S	MUSKOGEE	OK	74401
SOUTHEAST DIRECTIONAL DRILLING LLC	2323 S HARDY DRIVE	TEMPE	AZ	85282
SOUTHWESTERN CONSTRUCTION SERVICES INC	4542 STATE RT 160	HIGHLAND	IL	62249
SPECTRA TECH LLC	16100 ALLISONVILLE RD	NOBLESVILLE	IN	46060
SPORTEXE CONSTRUCTION SERVICES INC	1809 MERRITTVILLE FONTHIL	ONT CAN LOS1E6	ON	99999
STELLAR GROUP INC	2900 HARTLEY RD	JACKSONVILLE	FL	32257
STILL CONSTRUCTION CO INC	PO BOX 70	LEAD HILL	AR	72644
STILL CONTRACTORS LLC	15740 S MAHAFFIE ST	OLATHE	KS	66062
STORK TWIN CITY TESTING CORPORATION	662 CROMWELL AVENUE	ST PAUL	MN	55114
STORY-ATLAS SURVEYING INC	7735 WASHINGTON AVE STE G	KANSAS CITY	KS	66112
STOVALL CONSTRUCTION INC	7409 US HWY 287	ARLINGTON	TX	76001
STRAUB CONSTRUCTION CO INC	7775 MEADOW VIEW DR	SHAWNEE	KS	66227
STREICHER EXCAVATING INC	1718 EAST BREMER AVE	WAVERLY	IA	50677
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILE AVE	SHAWNEE	KS	66203
STRUKELE ELECTRIC INC	375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUMMIT CONTRACTING OF DELAWARE LLC	120 N LIME ST	LANCASTER	PA	17602
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUREBOND INC	2801 INTERNATIONAL LANE	MADISON	WI	53704
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17055
SW HUFFMAN CONSTRUCTION INC	PO BOX 99	OTTUMWA	IA	52501
SWANSTON EQUIPMENT COMPANY	3404 MAIN AVE	FARGO	ND	58103
SWORD CONSTRUCTION LLC	1701 NORTHPARK DR STE 6	KINGWOOD	TX	77339
SYNERGY REFRIGERATION INC	1680 ROBERTS BLVD	KENNESAW	GA	30144
SYRSTONE INC	201 S MAIN ST	NORTH SYRACUSE	NY	13212
TANCO ENGINEERING INCORPORATED	1400 TAURUS COURT	LOVELAND	CO	80537
TATE GENERAL CONTRACTORS INC	115 WOODY LANE	JONESBORO	AR	72401
TAYLOR RIDGE DRILLED FOUNDATIONS INC	6710 134TH AVE W	TAYLOR RIDGE	IL	61284
TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56031
TEFCO INC	11022 SAWMILL RD	ELBERFELD	IN	47613
TELECRAFTER SERVICES LLC	13131 W CEDAR DR	LAKEWOOD	CO	80228
TENCON INC	530 JONES ST	VERONA	PA	15147
TENOCH CONSTRUCTION INC	6216 MISSION RD	FAIRWAY	KS	66205
TERRA ENGINEERING & CONSTRUCTION CORPORATION	2201 VONDRON RD	MADISON	WI	53718
TESTEX INC	535 OLD FRANKSTOWN ROAD	PITTSBURGH	PA	15239
TEXAS COMMERCIAL FENCE INC	320 SOUTHLAND DR	BURNET	TX	78611
THOMPSON ELECTRONICS COMPANY	905 S BOSCH ROAD	PEORIA	IL	61607
TIC THE INDUSTRIAL COMPANY	188 INVERNESS DR W #700	ENGLEWOOD	CO	80012

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TNT CONSTRUCTION CO INC	144 EASY ST	CAROL STREAM	IL	60188
TONTO CONSTRUCTION INC	HWY 16 W 78TH ST	MUSKOGEE	OK	74401
TOTAL WESTERN INC	8049 SOMERSET BLVD	PARAMOUNT	CA	90723
TOURNEAR ROOFING CO	2605 SPRING LAKE RD	QUINCY	IL	62305
TOWER MECHANICAL SERVICES	2125 W 20TH AVE	OSHKOSH	WI	54904
TPQ CORPORATION	8522 E 61ST ST	TULSA	OK	74133
TR MANAGEMENT INC	6700 SW TOPEKA BLVD #344	TOPEKA	KS	66619
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRI STATE PAVING INC	STATE LINE RD	PICHER	OK	74360
TRIAGE CONSULTING GROUP	221 MAIN STREET STE 1100	SAN FRANCISCO	CA	94105
TRINITY EXCAVATING & CONSTRUCTION INC	510 SOUTHWEST BLVD #B	KANSAS CITY	KS	66103
TRUCK CRANE SERVICE COMPANY	2875 HIGHWAY 55	EAGAN	MN	55121
TULSA INSPECTION RESOURCES INC	12811 E 86TH PLACE N #106	OWASSO	OK	74055
TWEET GAROT MECHANICAL INC	2545 LARSEN RD	GREEN BAY	WI	54303
ULTIMATE THERMAL INC	P O BOX 34818	OMAHA	NE	68134
UNIQUE STAFF LEASING 1 LTD	4646 CORONA ST STE 105	CORPUS CHRISTI	TX	78411
UNITED CONTRACTORS INC	6678 NW 62ND AVE	JOHNSTON	IA	50131
UNITED EXCEL CORPORATION	5425 ANTIOCH RD	MERRIAM	KS	66202
US ASPHALT CO	14012 GILES RD	OMAHA	NE	68138
VECTOR CONSTRUCTION INC	3814 3RD AVE NW	FARGO	ND	58102
VEI GENERAL CONTRACTORS INC	P O BOX 1032	RUSSELLVILLE	AR	72811
VFP FIRE SYSTEMS INC	825 CORPORATE WOODS PKWY	VERNON HILLS	IL	60061
VHP ENTERPRISES INC	728 WESLEY AVE	TARPON SPRINGS	FL	34689
VICS CRANE & HEAVY HAUL INC	3000 145TH STREET EAST	ROSEMOUNT	MN	55068
VINTAGE SPORTS CARDS INC	410 S TRADE CNTR PKWY #A8	CONROE	TX	77385
VON ALST HOLDING COMPANY	2416 SMELTING WORKS RD	SWANSEA	IL	62226
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	MS	39350
WACHTER ELECTRIC COMPANY	16001 W 99TH ST	LENEXA	KS	66219
WALKER CONSTRUCTION CO INC	HWY 50 TO KAHOLA LAKE RD	EMPORIA	KS	66801
WALSH CONSTRUCTION COMPANY OF ILLIN	819 WALNUT	KANSAS CITY	MO	64106
WALT WAGNER CONSTRUCTION INC	305 S 5TH ST	LEAVENWORTH	KS	66048
WALTERS EXCAVATING	24060 K 68 HWY	PAOLA	KS	66071
WALTERS MORGAN CONSTRUCTION INC	2616 TUTTLE CREEK BLVD	MANHATTAN	KS	66502
WANZEK CONSTRUCTION INC	16553 37R ST SE	FARGO	ND	58103
WATTS CONSTRUCTION LLC	103 INDIANA AVE	FORT LEONARD WOOD	MO	65473
WEATHERCRAFT COMPANY OF GRAND ISLAND	PO BOX 80459	LINCOLN	NE	68501
WEATHERCRAFT COMPANY OF LINCOLN	545 J ST	LINCOLN	NE	68508
WEGMAN INC	608 W LASLEY	ST MARYS	KS	66546
WELSH COMPANIES	8200 NORMANDALE BLVD #200	MINNEAPOLIS	MN	55437
WESSELS CONSTRUCTION CO INC	1800 DES PLAINES AVE	FOREST PARK	IL	61030
WEST SIDE MECHANICAL INC	P O BOX 11247	KANSAS CITY	KS	66111



<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
WESTERN CAROLINA PLUMBING	25 SANDTRAP RD	WAYNESVILLE	NC	28786
WESTIN CONSTRUCTION COMPANY	10828 NESBITT AVE SO	BLOOMINGTON	MN	55437
WF JOHNSTON CONSTRUCTION INC	109 INDUSTRIAL DRIVE	MINOOKA	IL	60447
WH BASS INC	5664 D PEACHTREE PKWY	NORCROSS	GA	30092
WHITE STAR CONSTRUCTION INC	6175 MIZE ROAD	SHAWNEE	KS	66226
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WINFIELD CONTRACTORS INC	212 NORTH PRAIRIE STREET	WAPELLO	IA	52653
WINGATE ARCHITECTURAL MILLWORKS CO	7516 US 59 NORTH	NACOGDOCHES	TX	75964
WOODS CONSTRUCTION INC	6396 PRODUCT DRIVE	STERLING HEIGHTS	MI	48312
WORD & COMPANY THE	1409 GOLDEN NEEDLES ST	WILKESBORO	NC	28697
WORLEY CLAIMS SERVICE INC	4736 W NAPOLEAN AVE	METAIRIE	LA	70001
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
WS BOWLWARE CONSTRUCTION INC	3140 W BRITTON RD STE 204	OKLAHOMA CITY	OK	73120
YOUNGLOVE CONSTRUCTION LLC	2015 EAST 7TH STREET	SIOUX CITY	IA	51101
ZIMMERMAN CONSTRUCTION COMPANY INC	12509 HEMLOCK ST	OVERLAND PARK	KS	66213

**Updated: 10/2/2008 1:44:19 PM**

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [dissolutions@sos.mo.gov](mailto:dissolutions@sos.mo.gov).

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
ASI LIQUIDATING, INC.  
(Formerly Air Specialists, Inc.)**

On June 30, 2008, ASI Liquidating, Inc., formerly Air Specialists, Inc., a Missouri corporation ("Corporation") agreed to dissolve and wind up the Corporation.

The Corporation requests that all persons and organizations who have claims against it present those claims immediately by letter to William E. Buckley at Gallop, Johnson and Neuman, L.C., 101 South Hanley, Suite 1600, St. Louis, Missouri 63105. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security.

NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF ASI LIQUIDATING, INC., ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO (2) YEARS AFTER NOVEMBER 17, 2008.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
EU TRUST INVESTMENTS, L.L.C.**

On September 26, 2008, EU TRUST INVESTMENTS, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Frank C. Carnahan, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
JU TRUST INVESTMENTS, L.L.C.**

On September 26, 2008, JU TRUST INVESTMENTS, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Frank C. Carnahan, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF DISSOLUTION AND WINDING UP  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
VANDERBILT DGR, L.P.**

On 9/30/2008, VANDERBILT DGR, L.P., a Missouri limited partnership, was dissolved upon the filing of a Certificate of Cancellation with the Secretary of State.

Said partnership requests that all persons and organizations who have claims against it present them immediately by letter to: Michael J. Silver, Esq., Husch Blackwell Sanders LLP, 190 Carondelet Plaza, Suite 600, St. Louis, MO 63105. All claims must include the claimant's name, address and telephone number, the amount, date and basis for the claim.

ANY CLAIMS AGAINST VANDERBILT DGR, L.P. WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE LAST PUBLICATION DATE OF THE NOTICES AUTHORIZED BY STATUTE.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY**

NOTICE OF WINDING UP TO ALL CREDITORS AND CLAIMANTS AGAINST LANDMARK TITLE & ESCROW, LLC, a Missouri limited liability company.

On September 30, 2008, LANDMARK TITLE & ESCROW, LLC, a Missouri limited liability company (hereinafter "the Company") filed its Notice of Winding Up with the Missouri Secretary of State. Dissolution of the Company was effective on September 30, 2008.

The Company requests that all persons and organizations with claims against it present them immediately by letter to the attention of MARY BETH ROBE, 700 NE R.D. Mize Road Suite 200, Blue Springs, MO 64014. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation to support the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after this publication.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY**

NOTICE OF WINDING UP TO ALL CREDITORS AND CLAIMANTS AGAINST LANDMARK TITLE HOLDINGS, LLC, a Missouri limited liability company.

On September 30, 2008, LANDMARK TITLE HOLDINGS, LLC, a Missouri limited liability company (hereinafter "the Company") filed its Notice of Winding Up with the Missouri Secretary of State. Dissolution of the Company was effective on September 30, 2008.

The Company requests that all persons and organizations with claims against it present them immediately by letter to the attention of MARY BETH ROBE, 700 NE R.D. Mize Road Suite 200, Blue Springs, MO 64014. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation to support the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after this publication.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS AND CLAIMANTS OF WHITE RESTORATION, L.L.C.**

On October 2, 2008, White Restoration, L.L.C., a Missouri limited liability company, filed its Articles of Termination with the Missouri Secretary of State.

Any claims against the company must be sent to:

White Restoration, L.L.C.  
c/o Ron Trippe, Manager  
855 E. Collins Boulevard  
Richardson, Texas 75081

In accordance with the Notice of Winding Up, claims against the company must contain the name, address and telephone number of the claimant, amount of the claim, basis for the claim, the date on which the claim arose and documentation of the claim.

Pursuant to §347.141 R.S. Mo 2008, as amended, all claims against the company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after publication of this notice.

NOTICE TO ALL CREDITORS OF AND CLAIMANTS AGAINST U.N.O. CORPORATION

On September 29, 2008, U.N.O. Corporation filed its articles of dissolution with the Missouri Secretary of State. The dissolution was effective on September 30, 2008.

You are hereby notified that if you believe you have a claim against U.N.O. Corporation, you must submit a summary in writing of the circumstances surrounding your claim to:

Rossiter & Boock, LLC  
Attn: U.N.O. Corporation Dissolution  
8000 Maryland, Ave., Suite 930  
St. Louis, Missouri 63105

The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

Any claim against U.N.O. Corporation will be barred unless the creditor or claimant initiates a proceeding to enforce the claim within two years after the publication of this notice.

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-4.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548	This Issue	
1 CSR 10-15.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548	This Issue	33 MoReg 1676
1 CSR 15-1.201	Administrative Hearing Commission		33 MoReg 1391	This Issue	
1 CSR 15-1.207	Administrative Hearing Commission		33 MoReg 1391	This Issue	
1 CSR 15-3.320	Administrative Hearing Commission		33 MoReg 1392	This Issue	
1 CSR 15-3.350	Administrative Hearing Commission		33 MoReg 1392	This Issue	
1 CSR 15-3.380	Administrative Hearing Commission		33 MoReg 1394	This Issue	
1 CSR 15-3.390	Administrative Hearing Commission		33 MoReg 1394	This Issue	
1 CSR 15-3.431	Administrative Hearing Commission		33 MoReg 1394	This Issue	
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12 CSR 10-7.170	Director of Revenue		33 MoReg 2018R		
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13 CSR 40-71.030	Family Support Division ( <i>Changed to 13 CSR 35-71.030</i> )	33 MoReg 1654	33 MoReg 1668		
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15 CSR 30-51.170	Secretary of State		33 MoReg 910	33 MoReg 2046	
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20 CSR 200-6.100	Insurance Solvency and Company Regulation		33 MoReg 1163	33 MoReg 1821	
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20 CSR 400-1.050	Life, Annuities and Health		33 MoReg 1276R	33 MoReg 1908R	
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20 CSR 2030-5.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 1727		
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20 CSR 2200-4.020	State Board of Nursing		33 MoReg 1471	This Issue	
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20 CSR 2200-6.020	State Board of Nursing		33 MoReg 1475	This Issue	
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20 CSR 2205-5.010	Missouri Board of Occupational Therapy		33 MoReg 1582		
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20 CSR 2210-2.080	State Board of Optometry		33 MoReg 1085	33 MoReg 1910	
20 CSR 2220-6.040	State Board of Pharmacy	33 MoReg 1069	33 MoReg 1086	33 MoReg 1824	
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20 CSR 2232-2.020	Missouri State Committee of Interpreters		33 MoReg 1287	33 MoReg 1910	
20 CSR 2232-2.030	Missouri State Committee of Interpreters		33 MoReg 1288	33 MoReg 1911	
20 CSR 2232-3.020	Missouri State Committee of Interpreters		33 MoReg 1288	33 MoReg 1911	
20 CSR 2233-1.020	State Committee of Marital and Family Therapists		33 MoReg 1476	This Issue	
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20 CSR 2245-3.005	Real Estate Appraisers		33 MoReg 1476	This Issue	
20 CSR 2255-2.060	Missouri Board for Respiratory Care		33 MoReg 1338	33 MoReg 2049	
20 CSR 2267-1.030	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339	33 MoReg 2049	
20 CSR 2267-2.010	Office of Tattooing, Body Piercing, and Branding		33 MoReg 985	33 MoReg 1911	
20 CSR 2267-2.020	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1748R		
			33 MoReg 1748		
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20 CSR 2267-5.010	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339	33 MoReg 2049	
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20 CSR 2270-5.041	Missouri Veterinary Medical Board		33 MoReg 1480	This Issue	

# Emergency Rule Table

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<b>Office of Administration</b>			
<b>Commissioner of Administration</b>			
1 CSR 10-4.010	State of Missouri Vendor Payroll Deductions . . . . .	.33 MoReg 1531 . . . . .	July 24, 2008 . . . . .Dec. 31, 2008
1 CSR 10-15.010	Cafeteria Plan . . . . .	.33 MoReg 1531 . . . . .	July 24, 2008 . . . . .Dec. 31, 2008
<b>Department of Agriculture</b>			
<b>Animal Health</b>			
2 CSR 30-11.010	Large Animal Veterinary Student Loan Program . . . . .	.33 MoReg 1534 . . . . .	July 24, 2008 . . . . .Feb. 26, 2009
<b>Plant Industries</b>			
2 CSR 70-11.050	Emerald Ash Borer Intrastate Quarantine . . . . .	.33 MoReg 1795 . . . . .	Aug. 28, 2008 . . . . .Feb. 26, 2009
<b>Weights and Measures</b>			
2 CSR 90-10.011	Inspection Authority—Duties . . . . .	.This Issue . . . . .	Oct. 25, 2008 . . . . .April 22, 2009
2 CSR 90-10.012	Registration—Training . . . . .	.This Issue . . . . .	Oct. 25, 2008 . . . . .April 22, 2009
<b>Department of Economic Development</b>			
<b>Public Service Commission</b>			
4 CSR 240-31.010	Definitions . . . . .	.33 MoReg 1651 . . . . .	Aug. 1, 2008 . . . . .Jan. 29, 2009
<b>Department of Transportation</b>			
<b>Missouri Highways and Transportation Commission</b>			
7 CSR 10-25.020	Overdimension and Overweight Permits . . . . .	.33 MoReg 1535 . . . . .	Sept. 2, 2008 . . . . .Feb. 28, 2009
<b>Department of Mental Health</b>			
<b>Director, Department of Mental Health</b>			
9 CSR 10-31.030	Intermediate Care Facility for the Mentally Retarded Federal Reimbursement Allowance . . . . .	.33 MoReg 1379 . . . . .	July 11, 2008 . . . . .Dec. 28, 2008
<b>Department of Natural Resources</b>			
<b>Clean Water Commission</b>			
10 CSR 20-7.050	Methodology for Development of Impaired Waters List . . . . .	.33 MoReg 1855 . . . . .	Jan. 2, 2009 . . . . .June 30, 2009
<b>Department of Public Safety</b>			
<b>Division of Fire Safety</b>			
11 CSR 40-7.010	Blasting—Licensing, Registration, Notification, Requirements, and Penalties . . . . .	.33 MoReg 967 . . . . .	July 1, 2008 . . . . .Jan. 1, 2009
<b>Missouri Gaming Commission</b>			
11 CSR 45-1.090	Definitions . . . . .	.Next Issue . . . . .	Nov. 15, 2008 . . . . .May 13, 2009
11 CSR 45-5.053	Policies . . . . .	.Next Issue . . . . .	Nov. 15, 2008 . . . . .May 13, 2009
11 CSR 45-6.040	Five Hundred Dollar-Loss Limit . . . . .	.Next Issue . . . . .	Nov. 15, 2008 . . . . .May 13, 2009
11 CSR 45-8.120	Handling of Cash at Gaming Tables . . . . .	.Next Issue . . . . .	Nov. 15, 2008 . . . . .May 13, 2009
11 CSR 45-9.030	Minimum Internal Control Standards . . . . .	.Next Issue . . . . .	Nov. 15, 2008 . . . . .May 13, 2009
11 CSR 45-9.040	Commission Approval of Internal Control System . . . . .	.Next Issue . . . . .	Nov. 15, 2008 . . . . .May 13, 2009
11 CSR 45-11.020	Deposit Account—Taxes and Fees . . . . .	.Next Issue . . . . .	Nov. 15, 2008 . . . . .May 13, 2009
11 CSR 45-11.050	Admission Fee . . . . .	.Next Issue . . . . .	Nov. 15, 2008 . . . . .May 13, 2009
<b>Department of Revenue</b>			
<b>Director of Revenue</b>			
12 CSR 10-41.010	Annual Adjusted Rate of Interest . . . . .	.Next Issue . . . . .	Jan. 1, 2009 . . . . .June 29, 2009
<b>Department of Social Services</b>			
<b>Children's Division</b>			
13 CSR 35-71.010	Definitions . . . . .	.33 MoReg 1651 . . . . .	Aug. 4, 2008 . . . . .Jan. 30, 2009
13 CSR 35-71.020	Basic Residential Child Care Core Requirements (Applicable to All Agencies)—Basis for Licensure and Licensing Procedures . . . . .	.33 MoReg 1653 . . . . .	Aug. 4, 2008 . . . . .Jan. 30, 2009
13 CSR 35-71.030	Hearings and Judicial Review . . . . .	.33 MoReg 1654 . . . . .	Aug. 4, 2008 . . . . .Jan. 30, 2009
13 CSR 35-71.040	Organization and Administration . . . . .	.33 MoReg 1655 . . . . .	Aug. 4, 2008 . . . . .Jan. 30, 2009
13 CSR 35-71.045	Personnel . . . . .	.33 MoReg 1655 . . . . .	Aug. 4, 2008 . . . . .Jan. 30, 2009
<b>Family Support Division</b>			
13 CSR 40-2.390	Transitional Employment Benefit . . . . .	.33 MoReg 1941 . . . . .	Oct. 3, 2008 . . . . .March 31, 2009

Agency	Publication	Effective	Expiration
<b>MO HealthNet Division</b>			
<b>13 CSR 70-3.170</b>	Medicaid Managed Care Organization Reimbursement Allowance . . . . .	.33 MoReg 1380 . . . . .	July 1, 2008 . . . . .Dec. 28, 2008
<b>13 CSR 70-10.016</b>	Global Per Diem Adjustments to Nursing Facilities and HIV Nursing Facility Reimbursement Rates . . . . .	This Issue . . . . .	Oct. 13, 2008 . . . . .April 10, 2009
<b>13 CSR 70-10.030</b>	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services . . . . .	.33 MoReg 1382 . . . . .	July 1, 2008 . . . . .Dec. 28, 2008
<b>13 CSR 70-15.010</b>	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology . . . . .	.33 MoReg 1383 . . . . .	July 1, 2008 . . . . .Dec. 28, 2008
<b>13 CSR 70-15.110</b>	Federal Reimbursement Allowance (FRA) . . . . .	.33 MoReg 1384 . . . . .	July 1, 2008 . . . . .Dec. 28, 2008
<b>13 CSR 70-20.320</b>	Pharmacy Reimbursement Allowance . . . . .	.33 MoReg 1856 . . . . .	Sept. 22, 2008 . . . . .March 20, 2009
<b>Elected Officials</b>			
<b>Secretary of State</b>			
<b>15 CSR 30-10.110</b>	Voting Machines (Electronic)—Manual Recount . . . . .	.33 MoReg 1857 . . . . .	Sept. 25, 2008 . . . . .March 23, 2009
<b>Department of Insurance, Financial Institutions and Professional Registration</b>			
<b>Insurer Conduct</b>			
<b>20 CSR 100-8.040</b>	Insurer Record Retention . . . . .	.33 MoReg 1386 . . . . .	July 30, 2008 . . . . .Feb. 26, 2009
<b>Market Conduct Examinations</b>			
<b>20 CSR 300-1.100</b>	Unfair Claims Settlement Rates . . . . .	.33 MoReg 1387 . . . . .	July 30, 2008 . . . . .Feb. 26, 2009
<b>20 CSR 300-1.200</b>	Fraudulent or Bad Faith Conduct Rules . . . . .	.33 MoReg 1387 . . . . .	July 30, 2008 . . . . .Feb. 26, 2009
<b>20 CSR 300-2.100</b>	File and Record Documentation for Claims . . . . .	.33 MoReg 1387 . . . . .	July 30, 2008 . . . . .Feb. 26, 2009
<b>20 CSR 300-2.200</b>	Records Required for Purposes of Market Conduct Examinations . . . . .	.33 MoReg 1388 . . . . .	July 30, 2008 . . . . .Feb. 26, 2009
<b>Property and Casualty</b>			
<b>20 CSR 500-7.030</b>	General Instructions . . . . .	This Issue . . . . .	Jan. 1, 2009 . . . . .June 29, 2009
<b>20 CSR 500-7.080</b>	Insurer's Annual On-site Review . . . . .	This Issue . . . . .	Jan. 1, 2009 . . . . .June 29, 2009
<b>Board of Pharmacy</b>			
<b>20 CSR 2220-6.040</b>	Administration by Medical Prescription Order . . . . .	.33 MoReg 1069 . . . . .	May 11, 2008 . . . . .Feb. 18, 2009

# Executive Orders

Executive Orders	Subject Matter	Filed Date	Publication
<u>2008</u>			
08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-06	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	February 12, 2008	33 MoReg 623
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-08	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
08-09	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
08-10	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	33 MoReg 1131
08-19	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	June 11, 2008	33 MoReg 1329
08-20	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	June 11, 2008	33 MoReg 1331
08-21	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	June 20, 2008	33 MoReg 1389
08-22	Designates members of staff with supervisory authority over selected state agencies	July 3, 2008	33 MoReg 1543
08-23	Extends the declaration of emergency contained in Executive Order 08-21	July 11, 2008	33 MoReg 1545
08-24	Extends the declaration of emergency contained in Executive Order 08-20 and the terms of Executive Order 08-19	July 11, 2008	33 MoReg 1546
08-25	Extends the order contained in Executive Orders 08-21 and 08-23	July 28, 2008	33 MoReg 1658
08-26	Extends the order contained in Executive Orders 08-21, 08-23, and 08-25	August 29, 2008	33 MoReg 1797
08-27	Declares that Missouri will implement the Emergency Management Assistance Compact with Louisiana in evacuating disaster victims associated with Hurricane Gustav from that state to the state of Missouri	August 30, 2008	33 MoReg 1799
08-28	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	August 30, 2008	33 MoReg 1801

**Executive Orders**

	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>08-29</b>	Transfers the Breath Alcohol Program back to the Department of Health and Senior Services from the Department of Transportation by Type I transfer	September 12, 2008	33 MoReg 1859
<b>08-30</b>	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 15, 2008	33 MoReg 1861
<b>08-31</b>	Declares that a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	September 15, 2008	33 MoReg 1863
<b>08-32</b>	Advises that state offices will be closed on Friday, November 28, 2008	October 2, 2008	This Issue
<b>08-33</b>	Advises that state offices will be closed on Friday, December 26, 2008	October 29, 2008	Next Issue
<b>08-34</b>	Establishes the Complete Count Committee to ensure an accurate count of Missouri citizens during the 2010 Census	October 21, 2008	Next Issue
<b>08-35</b>	Creates the Division of Developmental Disabilities and abolishes the Division of Mental Retardation and Developmental Disabilities within the Department of Mental Health	October 16, 2008	Next Issue
<b>08-36</b>	Orders the departments and agencies of the Executive Branch of Missouri state government to adopt a Pandemic Flu Share Leave Program	October 23, 2008	Next Issue

**2007**

<b>07-01</b>	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
<b>07-02</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
<b>07-03</b>	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
<b>07-04</b>	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
<b>07-05</b>	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
<b>07-06</b>	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
<b>07-07</b>	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
<b>07-08</b>	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
<b>07-09</b>	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571
<b>07-10</b>	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
<b>07-11</b>	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
<b>07-12</b>	Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
<b>07-13</b>	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
<b>07-14</b>	Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757
<b>07-15</b>	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	32 MoReg 839
<b>07-16</b>	Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety	June 7, 2007	32 MoReg 1090



<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>07-17</b>	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	32 MoReg 963
<b>07-18</b>	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	32 MoReg 965
<b>07-19</b>	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	32 MoReg 967
<b>07-20</b>	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	32 MoReg 969
<b>07-21</b>	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System	July 11, 2007	32 MoReg 1389
<b>07-22</b>	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007	July 3, 2007	32 MoReg 1391
<b>07-23</b>	Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007	July 3, 2007	32 MoReg 1393
<b>07-24</b>	Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs	July 11, 2007	32 MoReg 1394
<b>07-25</b>	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated	August 24, 2007	32 MoReg 1902
<b>07-26</b>	Creates a Director/Administrator level multi-agency task force to address the concerns associated with feral hogs	August 30, 2007	32 MoReg 1904
<b>07-27</b>	Declares a drought alert for the counties of Bolinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Stoddard, Washington, and Wayne	September 7, 2007	32 MoReg 2035
<b>07-28</b>	The Executive Order denoted 05-16 is hereby rescinded	September 10, 2007	32 MoReg 2037
<b>07-29</b>	Amends the membership and the duties of the Governor's Advisory Council on Aging	September 17, 2007	32 MoReg 2038
<b>07-30</b>	Lists members of staff having supervisory authority over departments, divisions or agencies	September 13, 2007	32 MoReg 2041
<b>07-31</b>	Creates the Rural High-Speed Internet Access Task Force to deal with the lack of high-speed Internet access in rural Missouri communities	October 10, 2007	32 MoReg 2217
<b>07-32</b>	Declares that state offices will be closed on Friday, November 23, 2007	October 23, 2007	32 MoReg 2339
<b>07-33</b>	Declares that state offices will be closed on Monday December 24, 2007	December 4, 2007	33 MoReg 185
<b>07-34</b>	Declares a state of emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on December 8, 2007	December 9, 2007	33 MoReg 186
<b>07-35</b>	Activates the state militia in response to the aftermath of severe storms that began on December 8, 2007	December 9, 2007	33 MoReg 188
<b>07-36</b>	Gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of severe weather that began on December 8, 2007	December 10, 2007	33 MoReg 190
<b>Emergency Declaration</b>	Declares an emergency concerning damage to and danger of the Jefferson Street Overpass, also known as State Bridge No. A1308, in Jefferson City and directs the Emergency Declaration to continue until the overpass has been removed and replaced	December 10, 2007	33 MoReg 192
<b>07-37</b>	Designates members of staff with supervisory authority over selected state agencies	December 26, 2007	33 MoReg 317
<b>07-38</b>	Extends Executive Order 07-01 through January 1, 2009	December 29, 2007	33 MoReg 319
<b>07-39</b>	Extends Executive Orders 07-34 and 07-36 through February 15, 2008	December 28, 2007	33 MoReg 321

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\_\_\_\_\_  
Attn:

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

## **Tips for Rulemaking**

### **Rule Packets**

When preparing rule(s) for filing with the Secretary of State (SOS) and the Joint Committee on Administrative Rules (JCAR), please place documents in the following order:

- Transmittal Sheet;
- Cover letters for JCAR and SOS;
- Affidavit of public cost;
- Rule text;
- Fiscal notes; and
- Forms (if included herein).

In addition to the original packet, SOS needs a copy of the complete packet arranged in the same order as the original documents. For emergency rule(s), a second copy of the packet is required.

Having documents in the correct order will assist with data entry and speed up the issuance of receipt(s).

## **Office of the Secretary of State**

# **ROBIN CARNAHAN**

11/17/08

**ROBIN CARNAHAN**

SECRETARY OF STATE

PO Box 1767

JEFFERSON CITY, MO 65102

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